

1 MEETING OF THE
2 MARYLAND BOAT ACT ADVISORY COMMITTEE

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5 The above-entitled matter came on for
6 hearing on Thursday, November 18th, 2010,
7 commencing at 10:05 a.m., at the College of
8 Southern Maryland,, Prince Frederick Flagship
9 Building, 115 Williams Road, Prince Frederick,
10 Maryland 20678, John Bush, committee chairman,
11 presiding.

12
13 COMMITTEE MEMBERS:

- | | | |
|----|-------------------|-------------------------|
| 14 | Robin Allison | Frederick Levitan |
| | Amy Craig | John Marple |
| 15 | Amy Craig | Coles Marsh, Vice Chair |
| | Russ Dwyer | Bob McLean |
| 16 | John Ferman | Edric McSween |
| | Thornell T. Jones | Gail Mongan |
| 17 | Steve Kling | Christopher Parlin |
| | Kenneth Kloostra | Ramona Trovata |

18
19 Robert Lunsford, State Liaison

20 Robert Gaudette, Director of Boating Services

21 Reported by: Kelly A. Taylor

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

2 THE CHAIRMAN: Good morning, everyone.

3 (Discussion held off the record.)

4 THE CHAIRMAN: I'd like to welcome you
5 to the Maryland Boat Act Committee meeting. All
6 persons in attendance are advised, as I said, to
7 please turn off your phones and for your
8 information the restrooms are down the hall to your
9 left. Go out this door, a few doors down on your
10 left.

11 The purpose of this 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
15 starting to my left.

16 (Committee members introduce themselves.)

17 THE CHAIRMAN: The PA system doesn't
18 seem to be working as well as I would like, so I'm
19 going to let the persons who are here to introduce
20 themselves speak a little louder, I think everyone
21 will understand and hear everything clear. Go

1 right ahead.

2 (Introductions continue.)

3 THE CHAIRMAN: Before we, yes, we'd like
4 the representatives from the state to please
5 introduce themselves. Bob.

6 (DNR representatives introduce themselves.)

7 THE CHAIRMAN: Okay, thank you, Bob.
8 The charge of the committee is to represent all
9 users of the waters of the state of Maryland. Now,
10 this includes all persons who could have any
11 interest on the water, be it the powerboaters,
12 waterskier, fishermen, watermen, windsurfers and
13 even the Jet Skiers. The 21 members of the
14 committee, which are appointed by the Secretary of
15 the Department of Natural Resources, are a diverse
16 group of boaters who come from all regions of the
17 state and who are familiar with all of the various
18 uses of our state waters. At the conclusion of
19 your testimony the committee will meet in executive
20 session to determine the committee's
21 recommendations. You are invited to attend the

1 executive session, which will probably be after
2 lunch. However, all the testimony will already
3 have been taken, so you will be here as only an
4 observer, I'd like to make that clear.

5 Okay, the next thing we're going to do
6 is we're going to start now with Bob, you want to
7 make an overview of the petition and then we'll let
8 the testimony start.

9 MR. LUNSFORD: Do you want to start with
10 St. Leonard's Creek or do you want me to run over
11 all three of them?

12 THE CHAIRMAN: No, just one at a time.

13 MR. LUNSFORD: St. Leonard's Creek in
14 Calvert County has been petitioned for a Saturday,
15 Friday, Saturday, Sundays and holidays speed limit
16 during the boating season for boats over 23 feet
17 long. The major issue in addition to erosion,
18 which I have the erosion report from the program,
19 seems to be congestion. It's a very heavily used
20 waterway, it's a very popular waterway and there
21 are concerns about boating safety. The erosion

1 report, when we visited with Laurel Crawford
2 (phonetic), I'll read the last paragraph, based on
3 the above-mentioned observations and conditions it
4 has been determined that wakes produced by boats
5 navigating the waterway have no apparent impact in
6 terms of shoreline erosion on St. Leonard's Creek.
7 So with that I would suggest that we can take
8 public testimony. One other thing, I have had as
9 many calls about this and Cuckold Creek as I have
10 any other creeks we've done in recent memory.

11 THE CHAIRMAN: I think we can vouch for
12 that by the people who are in attendance tonight.
13 I'd like also any of the people who are standing,
14 there's some chairs over there, so you can make
15 yourself comfortable. Let's see if we can take a
16 minute here and get some chairs if you'd like to
17 and everyone can sit down. We want everyone to be
18 pleasant and not get irritated by having to stand.
19 And we know that some people already have a strong
20 position on the issues. So as soon as you get your
21 chairs together, we will start the testimony.

1 (Pause in the proceedings.)

2 MR. SIMON: Mr. Chairman, just for the
3 record, these hearings, or this petition we're
4 hearing now has been done previously and the
5 regulation states that they can only come up every
6 two years.

7 MR. LUNSFORD: Three.

8 MR. SIMON: Three years.

9 MR. LUNSFORD: That's Boat Act policy,
10 it's not departmental regulation. The last time we
11 heard, though, it was on the narrows, which is
12 above the area we're looking at now separated by
13 the speed limit at Vera's. This petition is from
14 the mouth of the creek up to the existing speed
15 limit line at, near White Sands Marina. But we
16 haven't, at least since I've been back out, we
17 haven't heard this one. We heard it once in my
18 first tenure in the job and we haven't heard this
19 in the last three or four years. It was a separate
20 area. Same creek, but much different area.

21

1 MR. SIMON: But we're past the
2 three-year mark for it to be discussed again?

3 MR. LUNSFORD: We're well past that.

4 THE CHAIRMAN: We have some people who
5 are still coming in, if you'd like to sign up --

6 MR. LUNSFORD: They don't get to sign
7 up, John.

8 (Discussion held off the record.)

9 AUDIENCE MEMBER: Could I ask a quick
10 question? What's the minimum number of people
11 required to petition a hearing such as this, just
12 one person?

13 THE CHAIRMAN: One person. One. Now,
14 before we get into questions at the moment, would
15 you like to introduce yourselves, the ones that
16 just came in a little late here?

17 (Committee members introduce themselves.)

18 THE CHAIRMAN: Now, does everyone have a
19 seat? There's still chairs up there, if you want
20 to take a chair down, you can do that so you don't
21 have to stand up during the whole hearing. But if

1 everyone is comfortable, we'll get started.

2 MR. MARSH: First of all, we're doing
3 the St. Leonard's Creek and if you have a
4 spokesperson that would like to go first to give an
5 overview of in support of, and then we're going to
6 take the rest of the names, but this person could
7 give an overview of the petition in support of the
8 petition, if they have one, and we have pointers up
9 here for you, we'd like for you to point out, speak
10 to us, because we're the ones that you're talking
11 with, so speak to us. We're not going to use the
12 mike, I think everybody can hear. Use a pointer
13 there to point out where you may live. If you, if
14 you live on the creek, give us a little idea there,
15 point it out for us if you would. And we have
16 pointers up here for you to use for that purpose.
17 So we'll start out with the primary speakers for
18 the group in support.

19 THE CHAIRMAN: Before we start, we want
20 to recognize Bernie Flavor(sic); is that correct,
21 sir?

1 MR. FOWLER: Bernie Fowler.

2 MR. MARSH: Bernie Fowler.

3 THE CHAIRMAN: We'd like to recognize
4 you. And we are glad that you're here and we know
5 that you're an advocate of boating safety, et
6 cetera. Okay.

7 MR. MARSH: So we have that prime person
8 that would like to get up first.

9 MR. HEBERLE: That would be me behind
10 you.

11 MR. MARSH: You snuck in there.

12 MR. HEBERLE: Unfortunately we're kind
13 of arranged a little differently, I think we can
14 handle it.

15 THE CHAIRMAN: Identify yourself, sir.

16 MR. HEBERLE: My name is Jay Heberle, I
17 live on St. Leonard's Creek and have been for the
18 last six years. I've been boating for about 20
19 years in the area.

20 THE CHAIRMAN: Do you need one of these?

21 MR. HEBERLE: Yeah, we can have that.

1 of Calvert County is up 40 percent, approximately
2 40 percent in the past 20 years. What we used to
3 know as our, you know, great county here is getting
4 crowded and therefore we're starting to see a lot
5 more boating traffic, St. Leonard's Creek has been
6 found by nonlocal folks too, we're getting people
7 coming in from all over the place. And the rebirth
8 of Vera's. I'm a fan of Vera's, don't get me
9 wrong, I'm not against Vera's, but it is bringing a
10 lot of traffic in. It's a hot waterfront bar,
11 bikini contest, poker runs, it's the next Redeye
12 Dock Bar.

13 Safety, this is our primary goal here,
14 safety is the big thing. You know, if everybody
15 was an expert driver we'd all be riding around on
16 the roads here, our highways at a hundred miles an
17 hour, but that's not true. Not everybody is an
18 expert. In fact operating a boat requires very
19 little training. We get people coming in, I'm sure
20 everybody in this room is just, you know, very
21 experienced boaters, but we get a lot of people

1 that aren't and they don't look back. But the
2 conditions are a recipe for disaster. We can see
3 the problem coming, we don't have to wait for it.

4 Now, you can see pictures of go-fast
5 boats. I'm not against go-fast boats per se, but
6 there is the mix here, the dangerous mix. We get a
7 lot of this traffic through here going very close
8 to others, and it's just a matter of when. We've
9 got people in their paddle boats and you can see
10 down here at the bottom, I mean these guys are all
11 going out after, I don't know, it might have been a
12 bikini contest or something like that, it was just
13 finishing up, but they all race out and the thing
14 is there's choke points in the creek, channels,
15 shoals, all of those kinds of things. It may look
16 like a wide creek to everybody, it's only a quarter
17 of a mile wide in most cases. So it looks better
18 than it is.

19 Okay. Now, this one I put in here
20 because this is your, this is your sign, your buoy.
21 This is a pretty good size buoy, it's been hit

1 probably three or four times since you put it in.
2 I'm talking to DNR. See that woman out there in
3 the, sculling? She puts up a less of a profile
4 than that thing does. And that's been hit. I have
5 talked to this woman here, she is always having to
6 be on the lookout for these boats, and I've got
7 some video that shows that nobody really pays
8 attention to it.

9 (Video played.)

10 MR. HEBERLE: Imagine, you can see the
11 boards coming up, imagine if your children are over
12 there or your grandchildren are there.

13 (Video playing.)

14 MR. HEBERLE: This is the kind of wakes
15 that come in all the time during the summer, tears
16 this place up. Now, if they had been in the water
17 they would be up against that bulkhead. Here's a
18 little bit more on the safety, here's the sculler,
19 this guy isn't even going to pay attention to it.
20 He's going to go by and just let her get tossed
21 over. In fact he's not even trimmed up correctly.

1 Now he's going to do that.

2 (Video playing.)

3 MR. HEBERLE: Here's a nice windy day,
4 but watch this one, listen, he's about ready to
5 cross this guy, look at all the boats in there.
6 This place gets to be a madhouse during the
7 weekends.

8 THE CHAIRMAN: You made it during the
9 weekends; is that correct?

10 MR. HEBERLE: During the weekends. This
11 is, the vast majority of this is weekend traffic,
12 yeah. This is an excerpt of BayNet, I don't want
13 to get into the whole thing, but this is one of the
14 go-fast boats that had an accident down at Point
15 Patience about two or three years ago and notice
16 right here, the boat suddenly hooked and then went
17 into a barrel roll. Well, imagine a barrel roll.
18 These guys are coming in here as fast as they can,
19 going through all this traffic, going past the
20 piers, that's a lot of traffic out there. I've had
21 to try and cross that and it's difficult.

1 (Video playing.)

2 MR. HEBERLE: Keep an eye out here,
3 you're going to see a lot of people tubing. That's
4 one of the boats. Smaller boats.

5 (Video playing.)

6 MR. HEBERLE: That -- okay.

7 THE CHAIRMAN: We got the message.

8 MR. HEBERLE: You got the message,
9 that's fine, that's fine.

10 This is a Coast Guard I guess
11 application that was done in order to have that big
12 race we had down in Solomons not too long ago.
13 Notice all the safety procedures. I mean there's
14 so much safety going on here, they had to apply for
15 safety, they've got safety zones, no wake zones,
16 all those kinds of thing. We've got the guys
17 coming through, same speeds, and in fact I've got
18 some pictures I'll share with you.

19 Okay, the next point is environmental
20 impact. Some people would say that there is no
21 environmental impact. The report on no erosion

1 should be fun to go about. It's about the rate at
2 which we're eroding. Heavy weather is infrequent
3 around here anyways, 30-mile-an-hour winds barely
4 produce a six-inch wave in the creek, there's is
5 just not that much, but the boat traffic, that's
6 doing it. This is a good day, beautiful day,
7 that's what it looks like. Here's what it looks
8 like on a weekend with boat traffic coming through.
9 This is, this is a protected shoreline. This is a
10 beautiful day, no wind.

11 (Video played.)

12 MR. HEBERLE: The only reason I'm
13 bouncing here is because of boat traffic, there is
14 no wind that day.

15 (Video playing.)

16 MR. HEBERLE: This is Breedens Point,
17 I'll show some more of that in a second, heavy
18 undertow area. Okay, this is the Center for
19 Resource Management, Coastal Resource Management.
20 This is a state website that I went to to find out.
21 You'll notice all the red is high erosion areas.

1 So one thing to keep in mind here is Breedens
2 Point, I'll go to that in just a second, but you
3 can see a lot of erosion going on. Here's Breedens
4 Point. This is at, what do you call it, low tide,
5 and so people don't see this very often, but
6 there's a huge undercut and this bottom part is a
7 blowup of that. So it's falling, and it's wave
8 action that's happening. This is south-facing, so
9 most of our really bad weather comes from the
10 northeast. South-facing.

11 All right. This part was in that same
12 area, Breedens Point is over here somewhere, this
13 was considered low erosion and now look at it.
14 We've lost 25 percent, no, probably about 20
15 percent of this area in the past five years.

16 Okay, one more thing here. Or a couple
17 of more things here. This is a letter I sent off
18 to the Board of Commissioners, Calvert County Board
19 of Commissioners asking them for their support.
20 They have lent their support, they say they are in
21 support of this. The land that is going into that

1 creek is their responsibility, they have a
2 responsibility towards reducing erosion and silting
3 the bay there.

4 Okay. Just couple more, couple more
5 things. Pass this around.

6 THE CHAIRMAN: Five minutes, sir.

7 MR. HEBERLE: I'm finishing up now.
8 Pass these this way. These are pictures of,
9 that's, I guess that was on a Sunday, might have
10 been a Saturday or Sunday, but you'll see a lot of
11 silt going into that creek. I think that's, I
12 think that's it. We do have that letter which
13 we'll enter into the record, and any questions?

14 THE CHAIRMAN: Is that all, sir?

15 MR. SIMON: I got a question.

16 MR. HEBERLE: Yes.

17 MR. SIMON: Where was that sign that you
18 spotted out?

19 MR. HEBERLE: Right at the beginning of
20 the creek. It's been there for years, and first of
21 all it doesn't have any bite. I mean there's

1 nothing that says you have to go six miles an hour,
2 and it's really kind of a nonenforceable thing. It
3 says it's a wake sensitive area.

4 MR. SIMON: The question is why don't we
5 utilize that sign to be responsible for your wake
6 or --

7 MR. HEBERLE: Good point. You're
8 responsible for your wake does not work. It
9 doesn't work. I started off that way, having
10 you're responsible for your wake signs put up and
11 buoys put in and no one pays attention to them,
12 they don't care. In fact, a bunch of those video,
13 you saw them going past the you're responsible for
14 your wake. I've had \$15,000 worth of damage done
15 to my boats and my friends' boats at that pier.
16 And by the way, I've won one of those, I took them
17 to court.

18 THE CHAIRMAN: We have another question
19 for you, sir.

20 MR. McLEAN: Is there a speed limit on
21 the creek at all, 35 miles an hour or unlimited?

1 MR. HEBERLE: No, none, it's an
2 autobahn.

3 MR. McLEAN: So a go-fast could go a
4 hundred if he wanted to?

5 MR. HEBERLE: He does, there's a bunch
6 of them that do. In fact, the worst one I've heard
7 is 160 miles an hour.

8 AUDIENCE MEMBER: There's a speed limit
9 in front of Vera's.

10 MR. HEBERLE: What's that?

11 AUDIENCE MEMBER: There is a speed limit
12 on the creek.

13 MR. HEBERLE: There is a speed limit at
14 Vera's. I've seen them speeding through there too,
15 but that's all right. Go ahead.

16 MS. TROVATO: Okay. You said that you
17 sued someone.

18 MR. HEBERLE: I took them to court
19 because they went by the, my pier while there was
20 another boat tied up and it did, I think it was, it
21 was Donnie, did about \$2,000 worth of damage to his

1 boat and so I took them to court. It was a retired
2 captain in the Navy and he just drove right on
3 through and he was in a 40-foot Meridian doing 10
4 knots over seven foot of water. You can imagine
5 the size of the wake that came in. It tore the
6 place up.

7 THE CHAIRMAN: Any other questions from
8 the committee?

9 MR. PARLIN: I'm curious, what was the
10 outcome of that?

11 MR. HEBERLE: I won. I won. We didn't
12 take it to a -- the civil court they can only
13 charge him, but I would have had to take it to
14 civil court in order to get money. But I, I was
15 the state's witness for it.

16 THE CHAIRMAN: Thank you very much.

17 MS. TROVATO: One more.

18 THE CHAIRMAN: You got another question?

19 MS. TROVATO: Yeah, I do. Were you one
20 of the people who sent the committee this packet of
21 information?

1 MR. HEBERLE: Actually I believe that
2 was Bob Schramm who sent that one.

3 MS. TROVATO: Okay, I'll wait then,
4 thank you.

5 THE CHAIRMAN: Before we go any further,
6 anyone that would like to sit down, there are some
7 chairs over there, you can take them out and take
8 them down so you don't have to stand up.

9 (Discussion held off the record.)

10 MR. MARSH: That was a good overview for
11 the spokesman there, so we try, we give everybody a
12 chance to speak in support, but try if you will not
13 to be redundant if you can on what you have to say.
14 Next one is John Schultz.

15 MR. SCHULTZ: Speak from here or --

16 THE CHAIRMAN: Stand up, sir.

17 MR. MARSH: Stand up and address us, if
18 you would.

19 MR. SCHULTZ: I live in the vicinity of
20 Mr. Heberle and I have a beach that's been a
21 very -- it was a natural beach. I moved to the

1 area five years ago, about a 90-foot beach, and as
2 far as erosion goes, it was all natural grass, the
3 sand was held in place by the grass. About 60
4 percent of the grass is gone and the sand is
5 disappearing. In addition, I've got two- and
6 three-year-old granddaughters that we try to use
7 the beach with them, but it's just constant running
8 out and picking them up because of the wakes that
9 come rolling in and it's just not a safe place for
10 them. And that's about all I have to say.

11 THE CHAIRMAN: Does this work only
12 during the weekend where you have the most
13 difficulty or what about during the week itself?

14 MR. SCHULTZ: Well, I'm not there to
15 recreate during the week, sir.

16 THE CHAIRMAN: You're only there on the
17 weekend.

18 MR. SCHULTZ: I live in the house year
19 round, but the use of the beach is on the weekends,
20 and I have also had a, had a sailboat tied up
21 that's been beat up twice from wakes coming in, and

1 I've had to replace the pier, the pier was on old
2 pier, it was coming apart by the recent increase in
3 traffic and I have got to put in a new pier, the
4 old one just couldn't handle it. So.

5 MR. MARSH: The next one, I'm not too
6 good at deciphering some of this, but Van, looks
7 like V-A-N.

8 MR. FEHR: That's me.

9 MR. MARSH: Okay, yes, sir.

10 MR. FEHR: I live in the historic house
11 at the mouth of St. Leonard's Creek, I've been
12 there 30 years.

13 THE CHAIRMAN: Excuse me, sir, would you
14 repeat your name so that we can --

15 MR. FEHR: F-E-H-R.

16 I can hear speeding coming up the
17 Patuxent and they come right in St. Leonard's
18 Creek, don't pay any attention to the waves or the
19 wake and you can hear them all the way coming up
20 the Patuxent in. The erosion, we have a dock, you
21 can see them bouncing every time they come in, all

1 the boats. And the erosion, I don't know who wrote
2 the report on erosion, but I lost 15 feet in the
3 last year on the point there. So it is a problem.

4 MR. MARSH: How about C --

5 MS. HEBERLE: Catherine Heberle. Hi, my
6 name is Catherine Heberle, I'm Jay's wife and I
7 want to --

8 THE CHAIRMAN: Speak a little louder so
9 everyone can hear.

10 MS. HEBERLE: Yes. I want to put in a
11 couple of comments, mostly about the fact that we
12 have a sailboat at our dock and if the kids are
13 down in the sailboat when these waves hit, the
14 books come off the shelf. It is very dangerous for
15 me to allow the kids to sleep on the boat even at
16 our dock at nighttime because the nighttime travel
17 a lot of times is, can be as bad as the daytime
18 travel as far as the kids in the boat are
19 concerned. We can't let them stay in the sailboat
20 and watch a movie if they're down there crabbing or
21 whatever and they want to go back and forth, it's

1 simply too dangerous. And you can imagine with
2 those wakes what it would do to a sailboat just
3 rocking back and forth. So thank you.

4 MR. MARSH: Richard Lloyd, Richard
5 Lloyd.

6 AUDIENCE MEMBER: Rick Lloyd had to
7 leave, but he's the one that left those pictures
8 that we passed around.

9 MR. MARSH: Good. Bob Schramm.

10 MR. SCHRAMM: I'm here. I'm Bob
11 Schramm, been on the creek for 20 years and my
12 house faces Rollins Cove. I am the one that wrote
13 the brief and we have submitted it and I request
14 that that brief be placed in the record. I'll try
15 not to repeat what Jay has stated about what has
16 happened, but I have witnessed some very
17 interesting what I consider boat safety issues.

18 To the left of my home, between where I
19 am and the six-mile zone for Vera's is a area where
20 there is great deal of tubing, waterskiing, and
21 these boats will run through there and the activity

1 will be perpendicular to these speeding boats that
2 are going back and forth up, back and forth on the
3 creek. I had the occasion to call DNR, and I
4 appreciate DNR greatly, obviously the regulation
5 right now does not allow them to stop anyone for
6 speeding. I observed them stopping a waterskiing
7 boat with the skier just opposite my house and
8 while they were talking to the speeder, I don't
9 know why they were speeding -- why they were
10 talking to them, several boats went by speeding,
11 which I would consider was in excess of what was
12 reasonable. There was tubing, there was
13 waterskiing going on in front of these speeding
14 boats, but they never slowed down.

15 There's another incident that is very
16 humorous in a way, and that is evidently there are
17 several events each year where boats are going to
18 Vera's for some sort of credit, and there's a
19 helicopter that will follow these boats and
20 literally this helicopter from my cliff was eye
21 level, and I submitted the picture of that

1 helicopter in the brief that you received. It
2 almost encouraged those boats to go faster. I made
3 an inquiry and someone indicated that they were
4 taking pictures of these boats and so this was
5 great, of great interest to the boaters.

6 I did call DNR once about the racing
7 back and forth on the creek and DNR returned my
8 phone calls and said well, we have an officer at
9 Vera's and there is no illegal action taking place
10 at Vera's. Well, I wasn't complaining about
11 Vera's, I was complaining about the area outside of
12 that six, six-knot speed zone. That six-knot speed
13 zone has the same purpose that we're requesting and
14 that is to protect the boats that are on the dock,
15 protect the recreational individuals that are
16 swimming and enjoying the water around the marina,
17 and what we're asking for is something similar
18 because we have a problem here that you have to
19 face and I hope that brief gave you some of the
20 evidence that will warrant this.

21 THE CHAIRMAN: Your brief will be made

1 part of the record and we appreciate that.

2 MR. SCHRAMM: Thank you. Thank you.

3 MR. MARSH: Barry Wynkoop.

4 THE CHAIRMAN: Excuse me. Just a
5 moment, please.

6 MR. KLING: The helicopter, that's a
7 poker run probably. How often over the course of
8 the summer is there a poker -- or how many poker
9 runs there are a year, or how many years between
10 poker runs?

11 MR. SCHRAMM: These boats come up that
12 creek so often I don't know whether there's a poker
13 run or whether they're just going up to see the
14 bikini contest.

15 MR. HEBERLE: There's three or four
16 poker runs per year, but the fast boats are coming
17 up all the time.

18 AUDIENCE MEMBER: There's actually only
19 two boat runs a year.

20 MR. HEBERLE: Only two?

21 THE CHAIRMAN: I would like to recognize

1 anyone before you speak so we keep everything in
2 order.

3 MR. SCHRAMM: Mr. Chairman, someone was
4 going to ask a question about that brief and I
5 would like to answer that question.

6 THE CHAIRMAN: We're going to do that,
7 sir.

8 MS. TROVATO: I was just curious about
9 all of these warnings and citations that you, you
10 collected these from the DNR?

11 MR. SCHRAMM: I filed a form with the
12 Department of Natural Resources and that's what was
13 returned to us, and you'll notice there was a
14 speeding violation, but obviously it was within the
15 six-knot speed zone for Vera's.

16 MS. TROVATO: So you did get this from
17 DNR?

18 MR. SCHRAMM: That came from DNR, yes.

19 MS. TROVATO: Thank you.

20 THE CHAIRMAN: Any other questions?
21 From the committee?

1 MR. MARSH: Barry Wynkoop.

2 MR. WYNKOOP: Yes, Barry Wynkoop, I live
3 at the end of Breeden Road. We have, we own two
4 powerboats, 36-foot --

5 THE CHAIRMAN: Sir, you have to speak
6 up.

7 MR. WYNKOOP: Okay. We live at the end
8 of Breeden Road. We're right on St. Leonard's
9 Creek, we have about 2,000 feet of waterfront there
10 and so we have a firsthand experience with the
11 erosion issue, but we have a bird's eye view of the
12 safety issues every weekend that the boats are
13 going in and out of the creek.

14 I guess a couple of things that I would
15 at least add to the discussion, the issue here is
16 not about White Sands, it's about people coming and
17 going from White Sands, so I think we need to be
18 real clear about that. Whether they have a bikini
19 contest or what they do, I could care less, okay,
20 ut when people are coming and going from White
21 Sands and approaching speeds of, I would estimate,

1 I don't know, I don't have a radar gun, but
2 probably 50 to 70 mile an hour range on the creek,
3 okay, we are at the first big bend in the creek as
4 you enter and we have frequently seen boats, you
5 know, kind of drag racing in and out of there four
6 and five abreast when there are people, children,
7 in the water either on tubes or in kayaks or in
8 sunfish, small sailboats, et cetera.

9 We have had experience personally with,
10 when we were towing somebody in the water, one of
11 our cousins, we had a boat pass within probably 40
12 foot of us going at least 50 or 55 miles an hour
13 and we were waving to the person to let them know
14 this and, you know, we got a middle finger as a
15 reply as they went racing by.

16 I think that the issue here is really
17 about safety and in terms of controlling the speed
18 limit on the, on the creek. It really needs to
19 start where that marker is, I would even argue
20 maybe even start further up than that, but
21 certainly it needs to start where the existing

1 notification marker is and, you know, as I recall,
2 several years ago we had somebody, somebody fell
3 out of one of these boats and drowned after an
4 afternoon of partying. And, you know, the boat was
5 going so fast they didn't realize the person was
6 out of the boat until, you know, they reached their
7 next destination. I mean it was written up in the
8 paper, you know, I'm not making this up. So at the
9 end of the day --

10 AUDIENCE MEMBER: That's not the way it
11 happened.

12 THE CHAIRMAN: Wait a minute, excuse me.

13 MR. WYNKOOP: I'm not talking about the
14 one two weeks ago --

15 THE CHAIRMAN: Excuse me.

16 MR. WYNKOOP: -- I'm talking about the
17 one three years ago.

18 AUDIENCE MEMBER: Yeah, that's what
19 we're talking about too.

20 MR. WYNKOOP: But at the end of day, I
21 don't know what has to happen in order for people

1 to get attention to the speed limit here. I mean
2 literally it's not -- it's an issue of safety.

3 THE CHAIRMAN: There was one person who
4 had a comment they wanted to make, we'll hear that,
5 try to limit yourself to one minute.

6 AUDIENCE MEMBER: Yeah, the situation
7 he's talking about, it wasn't a speedboat, it was a
8 crabbing boat, a working boat. Three people were
9 on it, two people had walked down underneath the
10 cabin, while they were underneath the person in the
11 back had fallen off. The boat was idling out. So
12 if you want to make an argument about speed and
13 idling, it wasn't a speedboat, it was a work boat.
14 And they were going slow.

15 THE CHAIRMAN: Thank you for the
16 clarification. We have another, a question for
17 you, sir, go ahead.

18 MS. TROVATO: Do the petitioners feel
19 that it's necessary to have this six-knot limit or
20 would perhaps a 35-knot limit like they have on the
21 Severn at all times also serve the same purpose?

1 THE CHAIRMAN: Go ahead, sir.

2 MR. HEBERLE: Jay Heberle again. Yes,
3 six mile an hour is required because it's not just
4 about safety, it's also about the erosion that's
5 going on on the creek. It's a serious problem.
6 Whether there's a report out there, I don't know
7 what the heck they're looking at because what I've
8 got on that video shows clear erosion problems and
9 spend some time out there, you'll see it.

10 MS. TROVATO: So are your issues more
11 with erosion or with safety or both?

12 MR. HEBERLE: Safety first.

13 MS. TROVATO: So is the safety because
14 the boats are going 70 miles an hour or --

15 MR. HEBERLE: No. The safety is because
16 there is a very dangerous mix of all the different
17 kinds of recreations going on on the creek. 70
18 miles an hour, a hundred miles an hour, those are
19 one thing, but you've got, you know, large
20 Meridian, 40-foot Meridians running through there
21 putting up, at 10 knots putting up four-foot wakes.

1 It's a combination of all of it.

2 THE CHAIRMAN: Thank you.

3 MR. WYNKOOP: Yeah, my issue is the
4 speed.

5 THE CHAIRMAN: Excuse me, sir, just a
6 moment, please. Are there any other questions from
7 the committee for the speaker?

8 MS. TROVATO: Could I hear his answer?
9 I think that would be helpful.

10 THE CHAIRMAN: Address it to him, that's
11 the difference.

12 MS. TROVATO: Same question.

13 MR. WYNKOOP: Same question is what?

14 MS. TROVATO: Speed.

15 MR. WYNKOOP: My issue was the speed. I
16 see people traveling at really excessive rates of
17 speed in unsafe conditions for people that are in
18 the water, and this is not, this is not about
19 capsizing boats with wakes and things, this is
20 about, you know, people in the water either in
21 tubes or floating on the water waiting for skis or

1 swimming or whatever and people just disregarding,
2 or not even being able to see them for that matter,
3 you know, they're going too fast. And finally, we
4 live in the first wide area when you come into the,
5 when you come into the creek.

6 THE CHAIRMAN: Are there any other
7 questions? Okay, thank you, sir.

8 MR. MARSH: Thank you. How about Nancy?

9 MS. MOUNTFORD: I'm Nancy Mountford,
10 we're next-door neighbors to the --

11 MR. MARSH: Speak up a little.

12 MS. MOUNTFORD: We're up the creek about
13 half a mile in and we're next-door neighbors to the
14 Wynkoops on the --

15 THE CHAIRMAN: Excuse me, we're going to
16 pass you the mike because the reporter cannot hear
17 you and we can't hear you up here at all.

18 (Discussion held off the record.)

19 MS. MOUNTFORD: My name is Nancy
20 Mountford.

21 THE CHAIRMAN: You have to turn it on.

1 MS. MOUNTFORD: For the third time, can
2 you hear me?

3 (Discussion held off the record.)

4 MS. MOUNTFORD: I'm Nancy Mountford,
5 we're next-door neighbor to the Wynkoops. We've
6 got a quarter mile of waterfront, we've got Osborne
7 Cove and my issue is safety at night. Since we
8 live there year round and our doors to our bedroom
9 open right out into the creek, it's like a funnel
10 of sound. There are a lot of boats that anchor
11 right out in front of our house. They tend not to
12 anchor too close to shore, they're anchored out
13 close to the channel, and there are boats that come
14 up I would say at least 20, 20 knots coming up that
15 creek at night, in the dark, and these boats have a
16 little tiny anchor light sometimes on the mast and
17 it's above their line of vision. I'm just waiting
18 for somebody to have a huge accident right in front
19 of our house. That's my main safety issue. In
20 addition to all the others. It's the noise on the
21 weekends, it's like living on the beltway if you

1 sit out in front on our bench. It's almost too
2 noisy to go down on your dock. That's it, not to
3 be redundant.

4 THE CHAIRMAN: Thank you.

5 MR. MARSH: Thank you. Bernie Fowler.
6 Good to see you, sir, thanks for coming.

7 MR. FOWLER: I don't think I need that.
8 Thank you, Mr. Chairman, members of the committee,
9 I'm here today because I was invited to be here. I
10 will confess right up front that I do not do a
11 whole lot of recreation on St. Leonard's Creek. As
12 a lad growing up in Broomes Island I spent many,
13 many days over there crabbing and fishing, and in
14 those days, to put it in perspective, you would see
15 a few sailboats, a lot of rowboats, and we called
16 them one lungs. These were watermen who had, you
17 know, Universal Palmer engine in it and if they
18 traveled greater than 8, 9, 10 knots at the most
19 that was pretty speedy.

20 But what brought me here today after
21 being invited is the fact that I have an unending,

1 uncompromising love for the Patuxent River, and
2 when they said this was a real serious
3 sedimentation problem, that's when my ears shot up
4 and that's what I wanted to be here today, just to
5 represent that river is very fragile as it is.
6 We're on a D minus right now and not any signs of
7 improvement in recent times, and so sedimentation
8 as you know is a very serious part of our, of our
9 problem with the quality of our water. I'm here
10 today to protest in any way I can the causation of
11 the sedimentation in St. Leonard's Creek. And I
12 will certainly defer to the testimony that you
13 heard on the technicalities and the speed and all
14 the other infractions that they have talked about,
15 but my concern is there's a sedimentation problem
16 there and we must all work together. Our lifestyle
17 has to change a little bit. Our footprint's gotta
18 be a little different. We can't do things,
19 business as usual. If we're going to save the
20 Patuxent and the Chesapeake Bay, I think it's the
21 greatest estuary in the world, then some of us are

1 going to have to back off a little bit and take a
2 little different tack and behave in a manner that's
3 appropriately managing the problems that we have.

4 That's really about all I have. I
5 appreciate you coming down today, it's a long drive
6 for most of you, but we appreciate that very much
7 and I certainly hope that you'll look favorably on
8 the comments that you've heard. Thank you,
9 Mr. Chairman.

10 THE CHAIRMAN: Thank you very much. Any
11 questions for -- any questions? Any questions from
12 the committee? Thank you again.

13 MR. MARSH: Thank you, appreciate it,
14 sir. Kent Mountford I believe it is. Is it Kent?

15 MR. MOUNTFORD: Pretty good translation,
16 I'm sorry for the --

17 (Discussion held off the record.)

18 MR. MOUNTFORD: My best to Ramona
19 Trovato with whom I worked at EPA many years. My
20 name is Kent Mountford, I'm an ecologist and
21 historian of the Chesapeake Bay. I've been around

1 St. Leonard's Creek since 1971 and I've lived there
2 for over 36 years at this point, full time, every
3 day of the week I come home to it. I've also
4 visited Cuckold Creek hundreds of times and the
5 Magothy as well, so my comments apply for those two
6 estuaries as well.

7 I've been a Coast Guard captain since
8 1987, I think that's about 23 years, and in those
9 tens of thousand of miles since I've run a lot of
10 powerboats as well as sailboats, up to 67 feet on
11 powerboats and I've a run a couple of, I guess the
12 term is go-fast boats that were cigarette boats in
13 my day. When you come up to a plane on those
14 things your bow is so high you don't have any
15 visibility in front. When the bow drops over
16 you've got better visibility than in a plane that
17 in the case I was operating at 67 miles an hour.
18 Your closing time to a rowboat at a distance of a
19 quarter mile is something like nine seconds, so the
20 attention span when you've got other people around
21 you, a radio going and whatever happened during the

1 afternoon, it's a very dangerous weapon and they
2 don't belong at those speeds in a creek as narrow
3 as St. Leonard's.

4 We're not asking anything unreasonable
5 here, we're simply asking for sensible boater
6 behavior in closed water. It amounts to really
7 nothing more than common courtesy and in our case
8 it amounts to just simple neighborliness, consider
9 to what happens to people on shore. I do most of
10 my own boat maintenance and I'm often up a mast,
11 and let me tell you, if you're on top of a 40-foot
12 mast and one of these boat comes by, the wake is
13 really serious. I've hollered and yelled and waved
14 my arms, whoosh, right on past, and then you get
15 whipped back and forth six or seven feet. It's
16 literally a hazard to life.

17 One night Nancy and I, as she mentioned,
18 our bedroom door is open on the creek, I heard
19 people screaming out there, this is in May, about
20 ten years ago. I literally ran down to my dock,
21 got in my boat and ran out. Some people had been

1 tubing under the influence of alcohol and everyone
2 had gotten knocked out of the boat at one point or
3 another, people were standing in the shallows while
4 the boat is running in circles. I got there at the
5 same time as the county rescue people, but that's
6 the kind of thing that can happen so easily. One
7 of the guys was hit by a boat and leg broken if I
8 remember correctly. I can provide that citation,
9 date, chapter and time if it's necessary.

10 I gave a CD in to the committee for
11 anyone that's really interested, I took about 33
12 video clips in the last year once this hearing was
13 going to happen and I just put them on a CD and I
14 handed them in, you don't have to look at them, but
15 they're individual cases are that are in addition
16 to the one that Mr. Herberle showed. We thank you
17 for any help you can offer.

18 THE CHAIRMAN: Any questions?

19 MR. MOUNTFORD: I submitted that as part
20 of the record, my statement is in writing as well.

21 THE CHAIRMAN: Are there any questions

1 from the committee? Thank you very much, sir.

2 MR. MARSH: Pastor Mel Grove.

3 PASTER GROVER: It's Pastor Mel Grover.

4 (Discussion held off the record.)

5 PASTOR GROVER: I represent the Grover
6 family and the Grover family has had shoreline
7 property on St. Leonard Creek for hundreds of years
8 and fortunately it's, most of it is impaled in the
9 six-mile-an-hour speed limit, but where I go to the
10 creek -- and the only boat I own is an eight-foot
11 fiberglass dingy to check a couple of crab boats,
12 and the fastest boat I've been on was a submarine
13 in the Navy for 21 years. So I don't check my crab
14 pots on Saturdays and Sundays because I'm afraid
15 and I fear for my safety in this little dingy
16 because of the boats that come up. Six miles an
17 hour, just like we drive on a road, we see a 50
18 mile an hour speed limit sign and when do we take
19 our foot off the gas, after we go past it. The six
20 mile an hour speed limit sign is there, people take
21 the throttle down on the boats after they pass the

1 six miles an hour, and when a boat wallows down it
2 pulls a wake and if I don't turn my little dingy
3 into the wake I would be gone. So my concern is
4 the safety.

5 And when I was a kid I soft crabbed on
6 St. Leonard Creek, but I can't now because the
7 shoreline has changed because the trees have fallen
8 into the water and there's just nowhere to crab
9 anymore in the creek. So I am concerned over the
10 safety and I'm concerned over the sediment and I'm
11 like everything else, I'd like to see the sediment
12 report because a boat goes down and throws a wake,
13 all you see is silt.

14 Thank you, and we do everything to make
15 progress, to be faster, to give us more time to do
16 things, and then we don't have time. And as a
17 pastor I hear about I don't have time to come to
18 church. Well, you have the opportunity as board
19 members to slow us down and give us an opportunity
20 to have time to view and look at St. Leonard Creek
21 because it is a beautiful place. Thank you.

1 THE CHAIRMAN: Thank you. We have a
2 question for you, sir.

3 MR. DWYER: Do you have crab traps or
4 crab pots in the creek?

5 PASTER GROVER: Crab pots, two.

6 MR. DWYER: You better check with DNR.

7 PASTOR GROVER: I have, they've taken a
8 couple.

9 THE CHAIRMAN: Thank you very much.

10 MR. MARSH: Steve. Yeah, you, sir.

11 MR. FILESNER: Steve Filesner. I have
12 two sailboats and a 23-foot powerboat that would be
13 probably be affected by this. I enjoy speed just
14 like anybody else, but I take my powerboat out into
15 the Patuxent where there's plenty of room. I like
16 to see the go-fast boats, I like to hear the noise,
17 although it may be irritating at times, but the
18 bottom line is really boating safety. I live near
19 Jay Heberle, across from some of these other
20 people, and I see how congested the creek gets
21 particularly on three-day weekends. Everybody's

1 out there and I don't think we want to wait until
2 someone gets seriously injured or killed before we
3 come back and reconsider a speed limit on the
4 creek. There's just too many boats out there. We
5 have speed limits on highways for safety reasons
6 and a speed limit on the creek is not unreasonable.
7 You can get up that creek at six knots just a few
8 more minutes longer than it took you to go 35 or 40
9 knots. And I like to do my open, wide open boating
10 and I can go up to 55 out in the river where it's a
11 lot safer. There's a lot of room out there. I see
12 on weekends boaters pulling tubes with kids, two
13 and three tubes, and we're not -- and someone
14 trying to waterski, the faster boats, the larger
15 boats, what Mrs. Heberle was talking about with her
16 children down below, that's a 38-foot sailboat
17 that's doing all this. This isn't a 15-foot dingy.

18 I think boating safety is a primary
19 concern and I have lived on the creek for ten
20 years. When we first moved there I had a bulkhead
21 waterfront, we had nice grass all along the beach,

1 now all I've got left is a few chunks. And that
2 didn't happen because of the hurricane, it's
3 happening because of the wakes on the large boats.
4 Sometimes they slow down, many times they don't.
5 But, you know, I think boating safety is important,
6 I agree with Bernie Fowler, the environment out
7 there is a hell of a lot more important. Thank
8 you.

9 MR. MARSH: Thank you, sir.

10 THE CHAIRMAN: Any questions from the
11 committee? Thank you, sir.

12 MR. MARSH: George Brown.

13 MR. BROWN: Thank you, Mr. Chairman, and
14 members of the committee for coming. Many of you
15 know me as Stovie Brown, which is my nickname. I
16 live on Maple Cove, which is the first cove to the
17 left as you go up St. Leonard Creek, and I've lived
18 there for about 20 years. My --

19 THE CHAIRMAN: Would you like to use the
20 mike, sir?

21 MR. MARSH: There's a pointer if you'd

1 like to show us, Mr. Brown.

2 MR. BROWN: This is the first cove to
3 the left as you go up St. Leonard Creek. I've
4 lived there for about 20 years, will be 20 years
5 next year. We've noticed the increase of traffic
6 and the effects, both the noise and the safety. I
7 have a sailboat, I'm frequently out on St. Leonard
8 Creek. Not to repeat what everybody else has
9 already said, but those safety factors are there.
10 The erosion factors are also there, even in our
11 cove where the waves have to bend around to get in
12 there. The only time we ever get any large waves
13 are on these weekends that other people have talked
14 about. On the erosion issues, when we first moved
15 in there we were concerned about erosion, whether
16 this piece of property would stay stable. For 200
17 years if you go back to the maps of our particular
18 cove there the archives at Jefferson Patterson
19 Park, the shape of our cove has been the same, but
20 in the last ten years with the increase in boating
21 traffic, we've noticed a lot more turbidity in the

1 water and things crashing down into the creek,
2 erosion in the marsh at the top of our cove, none
3 of which was happening before.

4 So I would just like to support the fact
5 that the increase of traffic, the speed that
6 they're going is making the colossal difference. I
7 race sailboats, and we never do any of that racing
8 up in St. Leonard Creek because it's just too
9 confined. We do plenty of racing out on the
10 Patuxent River and the Chesapeake, St. Mary's River
11 and the Potomac River, so there's plenty of room on
12 the Chesapeake and its rivers to do whatever
13 recreation you need to do. There's no reason to do
14 it in this congested area.

15 Lastly I'd just like to compare how St.
16 Leonard Creek's traffic patterns are compared to
17 the Annapolis Harbor, which when I was a youngster
18 there were no restrictions there at all, and I
19 don't know whether your committee or other parts of
20 the state have been part of an increasing set of
21 speed restrictions there because of the safety

1 issues, many derived because of the different types
2 of boating that are going on from youngsters all of
3 the way up to adults, different kinds of boats, and
4 that has not stopped the traffic, it's not stopped
5 the recreation, it hasn't hurt the businesses in
6 Annapolis. It's been something that we've all
7 given up because the congestion. So thank you all
8 very much, appreciate your coming.

9 MR. MARSH: Thank you, sir. That's the
10 last one in support of, unless there is someone
11 else that has not signed in. If you would like to
12 say a few words, try to limit to about three
13 minutes if you could, please, sir, and state your
14 name.

15 MR. TUTMAN: My name is Fred Tutman, I'm
16 the riverkeeper for the Patuxent and have been for
17 three years. I apologize for not signing in. I
18 endorse all of the comments that have been made
19 ranging from safety to environmental concerns as
20 well, but I would draw your attention that the
21 Patuxent River is part of the Patuxent Water Trail,

1 a project that's been endorsed by five counties
2 that the Patuxent River Commission has been working
3 on for some years to draw paddlers and other
4 ecotourists down the course of the Patuxent. St.
5 Leonard's Creek is a place where paddlers often go.
6 I myself have been in the creek on numerous
7 occasions guiding tours and trips in kayaks where
8 I've been buzzed by aggressive boaters and
9 sometimes verbally abused by inebriated boaters
10 behind of helm of, you know, a very fast boat.

11 When we run the Patuxent Sojourn
12 annually in this very same vicinity, we use three
13 chase boats simply to keep our people in the water
14 safe, we have amber hazard lights on them to ward
15 off and try to throw out a protective shield around
16 boaters. There's no reason why you can't have
17 compatibility between people who enjoy using
18 powerboats and sailboats and kayakers, but you
19 certainly can't have it if you have what has been
20 become substantially an unregulated environment
21 where the advantage is heavily in favor of those

1 who run very powerful boats, they have the upper
2 hand simply because of circumstances and the
3 maneuverability of their craft and the
4 characteristics of that craft. So the way to
5 produce parity, to level the playing field, is to
6 produce some reasonable restraint, nothing
7 unreasonable, in order to assure there is at least
8 an enforceable limit. The voluntary one doesn't
9 seem to really be having the desired affect.

10 So we would encourage you to look very,
11 very closely while we have an opportunity to be
12 proactive as opposed to reactive, in other words,
13 do something before something awful happens, or
14 since we have had some other incidents that are not
15 so desirable, because we have the opportunity to do
16 so. I mean this is within the pursue, within the
17 charge of this committee. So I appreciate your
18 concern and I would look very closely at what's
19 been presented to you today. Thank you.

20 THE CHAIRMAN: Does anyone have any
21 questions for the speaker? Sorry, do you have a

1 question for --

2 AUDIENCE MEMBER: No, I would like to
3 make a comment. Can I?

4 THE CHAIRMAN: Sir, just one moment,
5 sir. You have an opportunity to sign up and you
6 have an opportunity to speak.

7 AUDIENCE MEMBER: I did sign up, sir,
8 maybe I signed the wrong sheet.

9 MR. MARSH: In support of?

10 AUDIENCE MEMBER: In support of whatever
11 everyone has been saying.

12 MR. MARSH: Yes, I don't have you, but
13 you have a chance to speak.

14 THE CHAIRMAN: Stand up.

15 MR. HAINKE: My name is Ed Hainke, my
16 wife and I, we're born and raised on the
17 Chesapeake, and I hate to say it but I'm 78 years
18 old, so we know the bay very well. We've lived on
19 St. Leonard's Creek for over 40 years in Saw Pit
20 Cove, that's near the entrance, and during that
21 time I've had various antique boats. I had a 1936

1 Marblehead Sedan Cruiser which I would work on and
2 inside the bilge down where the floor timbers are,
3 I'd be kneeling on them, and of course you're
4 inside of a cabin of a boat, you're concentrating
5 and focused on your maintenance job or your
6 restoration job and you'll hear a boat go by out on
7 the creek. Well, that's fine. Three minutes
8 later, you'll get this violent roll. Now, I don't
9 know if you know it, but a 1936 Marblehead is a
10 round bottom boat. And when you get a beamed wake
11 it rolls violently. So I have experienced damaged
12 knees from kneeling on floor timbers with boats
13 going by with the wake and falling off the floor
14 timber, and of course that's wonderful for the
15 knees. I just feel as though, you know, I'm a
16 boater and I've had fast boats, I have a Hatteras,
17 I just feel as though there should be some
18 compatibility and people really need to be
19 responsible for their wake.

20 And if I may take one more moment. We
21 have very strict one-thousand-foot critical areas

1 that you have to get permits and all to cut down
2 trees, and we have constantly every year or two
3 another tree drop in the water. So, you know, it
4 really is an environmental plus a safety issue. I
5 thank you for your time.

6 MR. MARSH: Thank you, sir. Is there
7 any --

8 THE CHAIRMAN: One second. You said you
9 were a concerned about being 78 did you say,
10 something like that?

11 MR. HAINKE: Unfortunately, yes, sir.

12 THE CHAIRMAN: What was that, what was
13 the age you said you were?

14 MR. HAINKE: 78.

15 THE CHAIRMAN: 78. Well, you shouldn't
16 feel bad because in two weeks I'll be 80, so.

17 (Applause.)

18 MR. MARSH: Is there a comment back
19 there?

20 AUDIENCE MEMBER: Yeah, I just had a
21 question for the committee if somebody could answer

1 it. There was a existing speed limit in the creek,
2 there is an existing speed limit area in the creek.
3 Could somebody on the committee at least describe
4 what was the criteria for establishing that speed
5 limit area?

6 MR. LUNSFORD: Do you want me to try to
7 handle that one? As I understood it, I was not
8 here when it was done, but as I understand the
9 presence of a fuel dock and the possibility of fuel
10 spillage due to the passing boats was one of the
11 primary considerations when that was, when that was
12 established.

13 AUDIENCE MEMBER: So it was simply
14 because it was a fuel dock?

15 MR. LUNSFORD: I don't know if it was
16 simply because, but that was one the primary things
17 that I saw in the notes that I did find.

18 AUDIENCE MEMBER: It was a safety issue?

19 MR. LUNSFORD: Yes.

20 MR. MARSH: Is there anyone else that
21 wants to speak in support of? If you would step up

1 maybe and use the mike, let us know your name,
2 please.

3 MS. TUMLER: My name is Carrie Tumler
4 (phonetic), I've lived on the creek since I was
5 seven years old.

6 THE CHAIRMAN: Take the mike.

7 AUDIENCE MEMBER: The mike.

8 (Discussion held off the record.),

9 MS. TUMLER: My name is Carrie Tumler,
10 I've lived on the creek since I was seven, I'm now
11 about to be 22, I've lived with my parents, my
12 husband and I were fortunate enough to be able to
13 build a house right next door on top of the cliff.
14 That cliff is actually pictured in the video that
15 Mr. Heberle provided for you guys. We've suffered
16 from a lot of erosion over the years. When I was
17 seven, when I was living with my parents, that
18 cliff extended probably about 10 to 15 feet in the
19 water, had a several trees on it. Right now, my
20 husband and I just finished building a house, we
21 moved in about six months ago, and now we have to

1 look into spending 15 to 25 thousand dollars to do
2 something to stop this erosion. Particularly
3 because we're, you know, concerned with the
4 sediment flowing into the water and we're concerned
5 about losing our property that we pay taxes on
6 every year so, you know, that's a big concern, and
7 like everybody has been saying safety is the number
8 one issue, but me personally, that's what I'm here
9 for today, and as the gentlemen mentioned before,
10 there's serious restrictions, you know, the
11 thousand-foot buffer, we had to deal with all of
12 that with cutting trees down and building our house
13 and such and there's several trees at this moment
14 that are about to topple over the cliff due to the
15 erosion. When that happens we're going to lose
16 tons more of our property, so the sooner we can
17 restrict or, you know, boats limits and speed
18 limits, then I think that would just be a great
19 thing for everybody, for safety, for erosion, for
20 the Potomac, for the river, for the creek, and
21 that's all I have to say, but thank you very much

1 for hearing me.

2 MR. MARSH: Thank you. Is there anyone
3 else that wants to speak in support of that has
4 not?

5 MR. HEBERLE: I have the presentation
6 that I gave I want to enter into -- I'll give you
7 this, and I've got the copies of the letter from
8 the county commissioners and all that, and I'll
9 enter that, I'll give that as a packet to whoever
10 wants it.

11 MR. LITTLETON: My name is Jim
12 Littleton, I'm going to be speaking in a minute,
13 but I'd like to address the Calvert County
14 commissioners letter. I --

15 THE CHAIRMAN: Sir, sir, I'm sorry, sir.
16 When you, when you get, when you're recognized at
17 another point, you'll be able to do that.

18 MR. LITTLETON: Okay.

19 MR. MARSH: Make sure there's no one
20 else in support of that wants to speak. We're
21 going to those now that would be against that and

1 Mr. Littleton, you're up, sir. Thank you, sir. We
2 didn't mean to cut you off, but you're up and the
3 pointer is there and the mike is there if you'd
4 like to go to the podium, either way you'd like.

5 MR. LITTLETON: I could be heard best,
6 if the gentleman can run the slide.

7 MR. MARSH: A pointer and the mike if
8 you need it.

9 MR. LITTLETON: I brought some copies, I
10 didn't make enough, if you guys wouldn't mind
11 sharing, I have about 10 here, of my presentation
12 so if you can't see maybe that will help you if you
13 need to take any notes.

14 (Discussion held off the record.)

15 MR. LITTLETON: My name is Jim
16 Littleton. I'd like to thank the chairman of the
17 committee and the committee of the Boat Advisory
18 Act Committee for allowing me to speak today. I'm
19 speaking on behalf of against the proposal for St.
20 Leonard's Creek. I'd like to throw out a few facts
21 because I know that all the committee members

1 aren't from around the area.

2 The creek that we're talking about today
3 is situated about a 20-minute ride from the nearest
4 public boat ramp. We're 10 miles from the mouth of
5 the Patuxent River and the bay and the creek is
6 nearly 4.25 miles long based on the NOAA chart I
7 was able to take the information from, and it's
8 fronted mainly by a couple of old farms, there's
9 three residential community and of course the
10 restaurant at Vera's White Sands.

11 I'd like to give you the perspective
12 that I'm speaking from today. For 37 years I've
13 been able to enjoy the creek, I'm now 38, if you
14 all will take that. I've been fishing, I've been
15 crabbing, windsurfing, sailing, kayaking, my family
16 has grown up using all vessels on the creek and on
17 the bay, so that's the perspective I'll be
18 addressing you all today from. I currently live
19 there with my family on the creek, I use it on
20 weekends and I use it on weekdays as much as it
21 allows for my family to use it, and I will say

1 except for the occasional event that's now
2 happening at the Vera's White Sands Restaurant over
3 the last couple of years, the creek is pretty much
4 empty and especially after the jellyfish come in,
5 so we have seen some increase in traffic, I will
6 concur with some of the information presented a few
7 minutes ago, but it's only been in the last couple
8 of years and it's only during the events that are
9 held at the White Sands Restaurant.

10 A little history, I hope I can add to
11 what Bob provided. Unfortunately I've lived
12 through the petitions that have come upon the creek
13 before. The first was opposed in 1987 and it was
14 put on the creek, a six-mile-an-hour speed limit on
15 the entire creek. The petition actually started,
16 if I can add, Bob, Vera's White Sands restaurant,
17 the original owner had put in a petition to have
18 the speed limit put in. There was a huge public
19 outcry and it was lifted from the creek except for
20 the area around Vera's, and that's the area that
21 currently has the six-mile-an-hour speed limit.

1 Again in '90 another petition was brought in for
2 another section of the creek and they were citing
3 shoreline erosion. That petition was also rejected
4 by this committee and the strong supporting
5 evidence that helped to reject was the Army Corps
6 of Engineers come in and did a study on the creek
7 in 1990 and they found, I highlighted in bold for
8 you there in the second bullet, there was no
9 evidence of erosion caused by boat wakes on the
10 shoreline, and that was also supported initially
11 from Bob in presenting the information from the
12 report done on the shoreline erosion for the creek.

13 And then yet again in 2008 we were here
14 before you all, there was another petition to
15 establish a six-knot speed limit, it was further
16 back on the creek, that was for safety, erosion and
17 damage to the creek bottom and that was also
18 rejected. So that's the history of the petitions
19 that we've had to face here on St. Leonard's Creek.

20 Current proposal, we all know that, but
21 I'd like to bring you to the third bullet. This

1 petition is being requested on their belief, on
2 their belief that they need to restrict this
3 because of safety within the waterway. The last
4 bullet says their stated objectives are to prevent
5 further erosion and destructive action. I'm not
6 quite sure the connection between safety and shore
7 erosion and destructive action, but I would like to
8 take a minute and address the three points that
9 were brought up in the petition.

10 Safety, all of this information
11 available to you I received through a Freedom of
12 Information Act through the Department of Natural
13 Resource Police, and the brief history is from 2000
14 to 2003 there were two accidents on the creek.
15 2006 to 2009, 24 citations were issued. 2009, the
16 latest information they were able to give me, there
17 have been nine citations on the creek and 2010
18 there's been 14 warnings, so at this point in time,
19 they don't have the citations, so maybe that will
20 be available, the Department of Natural Resources
21 can provide that to the committee, they were not

1 able to give it to me because they said it wasn't
2 tabulated. But the point of this is that of all of
3 violations they fell into two major categories,
4 certification and regulation. You didn't have your
5 decals displayed properly, you didn't have a proper
6 flotation device, you had four people on the boat
7 and only had three PFDs. That's the majority fell
8 into. So the safety point that's been brought up
9 here, historically and currently there's been no
10 data that supports that there is a safety concern
11 on St. Leonard's Creek.

12 Boat wake erosion, I'll cite the study
13 that was done by the Department of Natural
14 Resources. Please look at the second bullet, it's
15 bolded. Again they pointed out the same point,
16 that boat wakes contribute less energy to the
17 problems than wind energy does, and finally what
18 they concluded in the report, that the largest
19 boats wakes can be expected traveling just slightly
20 over six miles an hour where they actually increase
21 the amount of wave energy that you have. The last

1 time the study was done was by the Army Corps of
2 Engineers and there has been no additional work
3 done on the creek since then that I was able to
4 identify.

5 Put this picture in, this is my, one of
6 my boats. I was a 25-foot fishing boat, top right
7 corner, I'm traveling at eight knots. If you can
8 take a minute and count the crests, there's six of
9 them there, and this is going right by the area of
10 the gentleman that has originated that petition.
11 That crest is a little over a foot traveling eight
12 knots, slightly over the speed limit. The bottom
13 left-hand corner is my boat traveling at 22 knots,
14 you have two crests and they're actually of equal
15 size or smaller going by. So it's very important
16 for the committee to understand from the shapes and
17 dimensions of the bottoms of boats that different
18 speeds are designed to plane and make minimal boat
19 wakes at different speeds that they travel.

20 This is just one -- this is just two
21 studies that I took off of NOAA's website with

1 reference to how you need to protect your
2 shorelines. And both the studies have cited that
3 seawalls, jetties, any type of hard surfaces can
4 actually contribute to the erosion. They refer to
5 them as hardscapes and they say what they're
6 excellent for is one thing, protecting your
7 property behind the water. And they actually can
8 transfer energy back into the water. I'd to thank
9 Jay for presenting that video, because there's a
10 perfect example of the waves bouncing off the
11 bulkhead and actually generating more energy back
12 into the creek. That distributes and helps disturb
13 the natural flow of the sediments in the currents.
14 These are cited in the studies, I've referenced
15 them for location if you'd like to get more detail
16 of the study.

17 The final point on this slide is that
18 the fish, the Florida U.S. Fish and Wildlife
19 Service as well as other local governments as well
20 as our states are now supporting living shorelines.
21 Next slides, please, sir.

1 Our governor in 2008 has put into law
2 the preferred method of shoreline protection. This
3 is a hard seawall, this is right up in the proposed
4 area, which we also saw in the video. The state
5 doesn't endorse this and haven't endorsed it for
6 years. This is my waterfront property at the back,
7 it's a natural seawall and what I've done, I've
8 been to two classes at the Chesapeake Bay
9 Foundation, and in order to improve my natural
10 seawall I've actually planted sea grasses, and you
11 all can see that it's very healthy. In addition to
12 what was naturally there, it's an excellent buffer
13 and is now endorsed by the state in a law passed in
14 2008.

15 I wasn't quite sure how to address this
16 point, destructive actions of slips and boats, but
17 we're all responsible. When you buy waterfront
18 property, you're responsible for your property,
19 your waterfront, if you purchase boats, that's all
20 your -- the onus is on you to take care of that.
21 So I just would throw out the idea there's

1 boatlifts for sailboats, that's one way that people
2 can handle protecting their property. Spring
3 lines, if people don't know how to tie their boats
4 up they can attend classes, they can learn how to
5 properly tie their boats up to keep waves from
6 moving the boat away from the pilings. Mooring
7 whips are very common also on the far right-hand
8 side, and of course if the budget doesn't allow you
9 can always just go for fenders and they will help
10 keep many things if a boat passes too close to your
11 property.

12 Travel time, I think this is important,
13 and I'm not doing this selfishly, but anybody who's
14 comes from the back of the creek, which happens to
15 be where I'm from, now if I travel out of the creek
16 at 22 knots it takes me eight minutes to travel the
17 distance of the proposed speed limit. If the speed
18 limit is put into place -- excuse me, I'm sorry,
19 correct that, please. Eight, yes, it takes me
20 eight minutes at 22 knots. If it's put into place
21 at six knots it's going to take me 35 minutes to

1 get out from the back of the creek, so it does
2 inhibit people's activities. If you're trying to
3 come home, if you would like to fish, do anything
4 outside of creek, you now have to allot for about
5 an hour and 10 minutes of your day in order to get
6 out to do your recreational activities that all the
7 individuals like to do that would like to travel
8 faster than six knots.

9 My conclusion for the record is that I
10 think there's enough evidence here that
11 demonstrates that we don't have a problem with St.
12 Leonard Creek with boating safety, the data
13 provided by the Department of Natural Resources,
14 I'd like to thank them for that. Shoreline
15 erosion, in addition to the reference by Bob
16 earlier, the studies that have been conducted in
17 the past do not conclude that the boat wakes
18 contribute any more to the shoreline erosion.
19 Destruction and damage to the property, you have
20 ways to protect your property, hopefully people
21 will take up some of those ideas and maybe pursue

1 it.

2 So in conclusion I feel that the
3 Department of Natural Resources along with the
4 committee will make the right decision to make this
5 a decision so we're all allowed to use the water
6 for all of the purposes that we like to use safely.
7 And I'll be glad to entertain any questions.

8 THE CHAIRMAN: Any questions from the
9 committee? Yes, sir.

10 MR. MARPLE: Sir, in your presentation,
11 you went by it so fast, Governor O'Malley did what?

12 MR. LITTLETON: He signed into law in
13 2008 the preferred way to protect your shorelines.
14 It's considered a living shoreline, so he's not
15 talking about bulkheads that you've seen so
16 commonly over the bay for years, he's talking about
17 the natural ways with the grasses that you would
18 plant to break the energy of the wave when it comes
19 in.

20 MR. MARPLE: Thank you.

21 MR. LITTLETON: Yes, sir.

1 MR. McLEAN: Have you seen any increase
2 in traffic with the reopening of Vera's?

3 MR. LITTLETON: Yes, sir, I concurred
4 with that. Since the restaurant has increased in
5 popularity, that is mainly during events as I
6 stated, because you can be out there on a day when
7 there's not an event and you do not see as much as
8 of an increase in traffic, but during an event it
9 does gather people coming into the creek to
10 participate in whatever activity is going on.

11 MR. McLEAN: Is that largely associated
12 with the go-fasts or what?

13 MR. LITTLETON: You see a lot of boats
14 coming in, you see guys in small 18-foot runabouts,
15 you see guys in the larger boats that was displayed
16 in the video, a mix of a lot of boats coming in to
17 participate in the activities.

18 MR. PARLIN: Would you object to a speed
19 limit put in place for a daytime/nighttime limit of
20 say 35 knots in the day and maybe a lower one for
21 the evening time, nighttime?

1 MR. LITTLETON: So I don't have enough,
2 I don't have enough evidence to understand the
3 implications of speed limits during daytime and
4 nighttime and what speed limit should be. If the
5 committee was going to consider something like a
6 speed limit during the time of day, I hope they
7 would be able to gather more information as to what
8 that appropriate speed should be and what purpose
9 it's solving. I would be against a speed limit
10 until we see that we have safety concerns on the
11 creek that are causing us to consider putting one
12 in. But if this committee has data that supports
13 that 35 works or 40 works, I think it should be
14 entertained and discussed.

15 THE CHAIRMAN: Another question over
16 here, sir.

17 MR. SIMON: Are these go-fast boats,
18 would you know or -- I mean are they from local
19 people or are they coming from across the bay,
20 Delaware, whatever?

21 MR. LITTLETON: I can't speak on their

1 origin, sir, where they're coming from.

2 MR. SIMON: Do owners of the property
3 around here have those?

4 MR. LITTLETON: There are some, there
5 are some property owners on the creek, and I don't
6 know if any of them are here that could speak up,
7 but there are people on the creek that do have that
8 type of vessel that was referenced in the video
9 earlier.

10 MS. TROVATO: Mr. Littleton, have you
11 observed any safety, anything that concerns you
12 from a safety perspective out there on one of these
13 busy weekends when there's an event at Vera's?

14 MR. LITTLETON: I personally haven't,
15 and let me tell you, I'm out there, I'm a river
16 rat, since I was a kid I've been out there, and I
17 have not been in any situations where, both
18 windsurfing, I kayak out there, I waterski out
19 there, I travel through there to go fishing, where
20 I personally have had any type of incident.

21 MS. TROVATO: Have you observed any?

1 MR. LITTLETON: No, I haven't.

2 THE CHAIRMAN: Any other questions?

3 Okay. Thank you.

4 MR. MARSH: Thank you. Next one is

5 John --

6 AUDIENCE MEMBER: Could I ask a

7 question?

8 THE CHAIRMAN: I'm sorry, no.

9 MR. MARSH: You go down the list and
10 then you have a chance. John Potter.

11 MR. POTTER: I have a presentation as
12 well, I'll just speak from back here, if you'll run
13 the slide for me, I'd appreciate it. Mr. Chairman,
14 I gave you a copy of my presentation as well.

15 THE CHAIRMAN: Yes, go ahead.

16 MR. POTTER: Okay. My name is John
17 Potter, I live at the very end of St. Leonard's
18 Creek. In fact if you go past mine you're pretty
19 much back into the mud and grasses. But let me
20 start out, I've been here for 12 years, we do
21 waterskiing, we do kayaking, we do sailing, we do

1 canoes, we do a lot of things on the creek. This
2 is the second time that I've been to one of these
3 meetings, and I want to say that first of all I
4 appreciate the chairman and the folks having us
5 come in here and talk about it. We mentioned back
6 in the 2008 meeting, we had a presentation which
7 was on the further end of the creek up where I'm
8 at, which is a smaller part of the creek, and we
9 rejected that. So now that we're looking at the
10 bigger part of the creek I'm kind of confused
11 because it's the same issue, safety, erosion, et
12 cetera.

13 I want to thank DNR for being here.
14 I've never seen so many DNR guys at one time, so
15 this is good. We were lucky to get one last time,
16 so thank you for coming. I would like, before I
17 start my presentation, we have regulations of what
18 you can and can't do with your boat. We have folks
19 to enforce that. We were told last time that DNR
20 has even cut back from where they were, and we
21 recognize that. But my question will be later on

1 is if we have all of these violations what did DNR
2 say when they got there? If they didn't call them,
3 then what were the citations?

4 I also want to say that the discussion
5 of 2008 about the wakes, and I'm an aerospace
6 engineer, and one of the things about a wake, the
7 wake is developed from the displacement of the
8 water. It's the size of boat, it's not the speed
9 of the boat. Okay. I get the feeling going
10 through some of the discussions, you would make the
11 decision leaving here that okay, we're not going to
12 have any boating. The creek is, St. Leonard's
13 Creek is one of the few places in the county
14 certainly other than the river that you can
15 actually do all the boating. It's kind of tough to
16 take a kayak out on the river. We get along there,
17 I've been there for 12 years, we got along. It is
18 more busy during the weekend when there's something
19 going on, but that's when a lot of folks boat, they
20 boat on the weekend and holidays. To tell the
21 entire community that no, you can't be there,

1 These are the issues, I'm not going to take your
2 time, go through them one at a time. Next slide.

3 Safety, this is the second time we've
4 brought it up in two years, it appears that the
5 folks at the end were working the same issues.
6 During the 2008 proposal, safety, the number of
7 issues for safety was again brought up, Jim brought
8 in the same numbers last time about one of the
9 citations, the citations and things like that. If
10 we've got a speeding problem where are the
11 citations? Did we call DNR, what did DNR give them
12 when they got there? Also, the things that we've
13 seen in the history that DNR had given were
14 citations for not having your boat with the proper
15 equipment. In 2008 we denied it on the upper creek
16 because we didn't have the facts for the safety, we
17 didn't have the folks, the numbers for the erosion,
18 and we didn't have the issues.

19 Now, my wife and I, when we moved here
20 in '99, we bought on the water, we bought a
21 boatlift because we watched the creek for a while;

1 we realized if you don't have a lift you're going
2 to probably get some more wakes than you would if
3 you didn't have. I would ask that the folks that
4 were here and some of the folks that were
5 against -- or for the proposal, they address that
6 they've been boating for 20 years and now living
7 there for six years, did they do six knots on the
8 holidays and weekends when they were there for 20
9 years? I don't think so. Next slide.

10 The erosion, I'm not going to go through
11 the erosion thing. I have some rafts that come up,
12 I don't have hardly have anybody up at my end of
13 the creek doing any boating. We need to determine
14 that the folks that do that say it's not a problem
15 or it is, and since we had Mr. Lunsford say that we
16 don't have an erosion problem on the facts then
17 you're always going to have erosion, the fact that
18 we're living here is erosion, the fact that the
19 boat are causing is not an issue. Next slide.

20 Destructive action. At this time I
21 think the proposal looking to stop all of the

1 boating and increase to six knots for the entire
2 weekend when everybody on that week is using that,
3 there's a lot of us that live there, we can go out
4 during the week, but the folks that come on the
5 weekend, it's just not feasible to tell these
6 folks, okay, we're going to penalize the entire
7 creek. If we have an issue, and I think Mr.
8 Heberle and those folks do, we didn't look at it.
9 I also should point out that if you live on a dock
10 where the water is shallow, the waves are created,
11 not wakes, when the waves -- when the wake comes
12 over the shallow water it turns into a wave, a wave
13 gives you a lot more force and I think the movie
14 kind of showed that. Next slide.

15 The real issue is the folks that live
16 south of Vera's, they live on a point that sticks
17 out and they get everything that goes by there. I
18 agree with that. I'm not sure I know what to do
19 about it, but they moved there, and as Jim brought
20 up, where you move in determines where you -- you
21 gotta look at your property and determine what do I

1 need to do to make my boat safe or make my dock
2 safe. To come back now after boating there for 22
3 years and then coming back and saying all right,
4 now I live here, I want it to be at six knots for
5 all of guys, that's not the answer either. Next
6 page.

7 The signatures speaks for themselves.
8 We got, the two folks that we had working on the
9 weekend that we did it, we got over 400 signatures
10 against this proposal. Vera's I'm going to talk
11 about in a minute and I hope Vera's has somebody
12 here, I tried to get them here. Vera's themselves
13 collected 115 signatures against this on one
14 weekend. I look at St. Leonard's Creek as a river,
15 not as a creek. We have a lot of creeks on the
16 Patuxent and on the bay, 112, or 1250 feet wide and
17 saying that needs to be six knots like somebody
18 else that has 20 foot wide is something that needs
19 to be considered by the committee very hard. I
20 don't know what the numbers are, but we got 400
21 signatures in just two marinas and Vera's in one

1 weekend. Next slide.

2 My wife and I are not connected with
3 Vera's, but we're sensitive to Vera's. We spoke
4 with their managers and they're concerned about the
5 business if this happens. As we said before, it
6 take seven minutes to get to Vera's from the river,
7 if you're doing a normal cruise. I'm not talking
8 about the 70 miles an hour stuff, I'm talking about
9 regular boat, and I have a 23-foot boat, so this is
10 not even an issue for me, this proposal, but I'm
11 sensitive to everybody else who does. I think it
12 was -- I thought it was 23 or below.

13 THE CHAIRMAN: Excuse me, sir. Do not
14 speak to the audience. Speak only to us. Go
15 ahead.

16 MR. POTTER: Yes, sir. Appreciate it.
17 As we said, Vera's got 115 signatures in one
18 weekend, and that's just the one weekend we talked
19 to them about it. Next slide.

20 Solution is to not put up a speed limit
21 for the entire community. We have an issue, then

1 maybe a seawall. Seawalls are pretty much gone and
2 that's not an issue anymore, but if there's
3 something that needs to be done, seek approval from
4 those folks, committee here for those folks to get
5 a dock with a lift to get their boats up out of the
6 water. Next slide.

7 Closing points, if we're going to do
8 this every three years, get this committee
9 together -- is that what we're going to do on this?

10 THE CHAIRMAN: Well, the committee is
11 always together, sir, so.

12 MR. POTTER: I just think if we go
13 through this --

14 THE CHAIRMAN: We will review a petition
15 normally every three years if it's brought to our
16 attention, that's the way it works. Okay.

17 MR. POTTER: Yes, sir. We brought up in
18 the 2008 hearing on St. Leonard's Creek, we have a
19 green can that's out there in the creek, I'm not
20 sure who put that in, it's not lit, it's not taped,
21 I consider it a hazard. I just bring that up

1 again. We talked with the DNR folks after the
2 meeting last time that that needs to be looked at
3 and addressed.

4 As I said before, I'm willing to help
5 with time and effort, and I'm willing to -- with a
6 solution we come up to, but I don't think we need
7 to make a channel out of the creek. Thank you for
8 your time.

9 THE CHAIRMAN: Thank you very much. We
10 have a few questions for you, sir. We're going to
11 start here and then we'll get there.

12 MR. McLEAN: You said you collected a
13 lot of signatures, 400 or something like that, do
14 we have that on our record?

15 MR. LUNSFORD: I have that.

16 MR. McLEAN: You have that, Bob?

17 MR. LUNSFORD: Yes, sir.

18 THE CHAIRMAN: Any other questions from
19 the committee? All right.

20 MR. MARSH: Thank you. We want to --

21 THE CHAIRMAN: In reference to anyone

1 that is going to be against this, we're trying to
2 give everyone equal time, now, we heard the
3 spokesperson with his proposal against this, but we
4 would like to limit anyone who is going to still
5 talk against this to limit themselves because we do
6 want to have an opportunity for everyone to speak
7 if they have to, or you can just say you agree with
8 what he said and we can move on. Because we do --
9 yes, now, do you have a comment you'd like to make?

10 MS. CHRISTMAN: Yes, sir.

11 THE CHAIRMAN: Stand up, please.

12 MR. McLEAN: Next was Julie Potter.

13 MS. CHRISTMAN: I want to make a general
14 recommendation to this committee if I could.

15 MR. MARSH: State your name.

16 MS. CHRISTMAN: Joyce Christman. You're
17 talking about giving everybody equal time and I
18 know that we have two creeks to go through and
19 maybe if somebody on the committee could kind of do
20 some kind of time control as a suggestion, just
21 because seems like we're hearing a lot of the same

1 comments over and over, even though it is pros and
2 against, but I'm thinking it could be somebody that
3 says hey, you have some kind of time limit, that
4 might help us. Just a suggestion.

5 THE CHAIRMAN: We have stated that a few
6 times, but I guess everyone didn't hear it.

7 MS. CHRISTMAN: Well, I think they
8 heard, maybe it's not being enforced and not being
9 listened to.

10 THE CHAIRMAN: I'm going to say it
11 again, we would prefer you to limit yourself to the
12 two to three minutes, and we do keep time here, but
13 as a courtesy to you we try not to cut you off in
14 the middle of your presentation because we want
15 everyone to feel that they have a chance to express
16 themselves. Now.

17 MR. MARSH: Julie Potter.

18 AUDIENCE MEMBER: She had to leave.

19 MR. MARSH: William Moser.

20 MR. MOSER: Yes, sir. I'm a boater and
21 commercial crabber. We get a six-mile-an-hour

1 speed limit I'm never going to make any money
2 getting out of that creek. That's all I've got to
3 say about that.

4 MR. MARSH: Thank you, sir.

5 THE CHAIRMAN: Thank you.

6 MR. MARSH: Tom Gilmour.

7 MR. GILMOUR: I drew up on the Severn
8 River and now my kids have had the good opportunity
9 to grow up on St. Leonard Creek. The concerns
10 about erosion and about safety as it relates to
11 rocking boats, in my opinion the point made earlier
12 that a boat at six knots makes more wake than a
13 boat at speed; my boat makes more wake at six
14 knots, most of the powerboats I've been on more
15 wake at six knots. I don't get that argument. The
16 proposal Ms. Trovato made about 35 knots on the
17 Severn that I've experienced is a reasonable one to
18 address the safety issues with the unlimited speed
19 of the go-fast boats. That's all I've got.

20 MR. MARSH: Thank you, sir. Ronald.

21 MR. GLOCKNER: Ron Glockner. Thank you.

1 I'll make my comments brief. I would like to
2 address some of the issues that were brought up by
3 the folks who are in favor of the speed limit.
4 First and foremost is safety. For most of you
5 committee members who live up in the Annapolis
6 area, you may not realize that St. Leonard's Creek
7 and Cuckold and Mill Creek are the largest creeks
8 on the Patuxent River. Okay? They are the two
9 largest creeks. If you close those two creeks, or
10 not close them but put a six-knot speed limit, the
11 effect is that you're going to have a much higher
12 concentration of boaters, waterskiers and tubers on
13 the much smaller creeks on the Patuxent River and
14 that will create a much more significant safety
15 issue. More boats on a smaller body of water,
16 that's huge. And then what's going to happen with
17 all the waterfront owners on a creek such as Hellen
18 Creek when they start getting all these
19 recreational boaters in, they're going to put in a
20 petition for a speed limit and then it's going to,
21 then it's going to go on and on to the smaller and

1 smaller creeks in the Patuxent River, and guess
2 what happens? Now you've closed off all
3 recreational activities to those who are not
4 fortunate to be able to afford waterfront, you are
5 now not going to allow them the ability to have fun
6 on public waterways. That is unacceptable.

7 The environmental impact. If you enact
8 a speed limit, from the mouth of St. Leonard's
9 Creek up to Vera's is 2.4 nautical miles, at six
10 knots that will take 24 minutes one way or roughly
11 almost an hour round trip. Vera's is a big
12 attraction for boaters, no doubt about it. But if
13 you enact a one-hour round trip to and from Vera's,
14 that's going to have a huge financial impact.
15 Nationally right now we still have an unemployment
16 rate of over nine and a half percent. I just don't
17 see -- that would have an impact on jobs, that's
18 something that should be considered.

19 Now, I do know that a few people brought
20 up rocking boats and damaged boats, I think that's
21 what this is really all about for those property

1 owners on St. Leonard's Creek. Well, that's the
2 main issue here, I know you're here on safety and
3 environmental issues as reasons, but if you can
4 afford waterfront property, if you can afford to
5 maintain that property and pay taxes, guess what,
6 you should be able to afford to get a boatlift and
7 not impact the recreational activities of those who
8 can't afford waterfront. And I think that's about
9 all I have to say. Thank you.

10 THE CHAIRMAN: You did very well, sir,
11 you were two minutes and 50 seconds. Okay.

12 MR. MARSH: Questions.

13 THE CHAIRMAN: Do we have any questions
14 for you? Any questions from the committee?

15 MR. MARSH: I believe the next one, if
16 my glasses are working properly, is Mr. Myers?

17 MR. MYERS: Yes, sir. Robert Myers. I
18 actually live over on Cuckold Creek. In observing
19 the time limitations here, I'd just like to amplify
20 what the last three gentlemen spoke to and I'll
21 leave it at that, thank you.

1 MR. MARSH: The next one, my glasses
2 really foggy on this, is it Matt?

3 MR. NEAL: Matthew.

4 MR. MARSH: I did better.

5 MR. NEAL: My issues have been
6 addressed.

7 MR. MARSH: Been addressed already?

8 MR. NEAL: Yes.

9 MR. MARSH: Thank you, sir. Nancy?

10 MS. GLOCKNER: Same.

11 MR. MARSH: Moving along. Gordon.

12 MR. SPALDING: I get their extra minutes
13 then. You know, St. Leonard's Creek is a large --

14 THE CHAIRMAN: We give you a minute and
15 a half, sir.

16 MR. SPALDING: He's younger.

17 St. Leonard's Creek is a large creek,
18 it's one of the largest creeks out there, and
19 you're talking about safety issues, there's plenty
20 of room for everybody to get along on the creek.
21 The population density, if you go to Google Earth

1 and look at it, I think all 20 people, and I'm
2 being a little bit facetious by that, but everybody
3 that lives on that creek is here, whether they're
4 in support of or against, so there's more farmland
5 and rural land than there is people that live
6 there. And that, should be taken into account. At
7 Vera's you've got a lot of local people that work
8 there, you've got local people that own it. The
9 unemployment issue is certainly a factor. Their
10 business would be cut down tremendously if you do
11 that because a lot of people have said if it takes
12 me 35 minutes to get there and get back out, an
13 hour and a half, I'm not going, I'll go somewhere
14 else. You also have out-of-town people that like
15 to come into the area and spend their money as
16 well. That's large revenue for the county. Vera's
17 does contribute largely to the county. So in
18 support of the six-mile-an-hour zone, no way, it's
19 not going to going work. There are other ways to
20 do it.

21 I call it the airport syndrome. You

1 don't buy a house next to the airport and ask the
2 planes not to fly. The erosion issue has been
3 addressed, it's not a problem, and as far as the
4 local powerboats, half the boats that go in and out
5 of that creek, the local powerboat people, they are
6 local people, they generate the economy and spend
7 the money.

8 The helicopter that was brought up,
9 somebody said it seems to make the boats go faster,
10 that's not the case. The helicopter issue is just
11 so you get a much better picture from the air and
12 that's what people that do these runs, they like to
13 have a nice picture to hang on the wall and the
14 view from the air is a lot better picture. Has
15 nothing to do with speed. Those events that we're
16 talking about at a hundred miles an hour, I'd like
17 to know how many hundred-a-mile-an-hour boats run
18 up and down this river, because I only know of one
19 out of all the boats that go in and out of that
20 creek. Hundred-mile-an-hour boats are one a day,
21 it doesn't happen that often.

1 Safety, I don't think it's a big issue.
2 If you're a boater or have been a boater for a long
3 time, you should know how to own operate a boat.
4 I've had more boats than most people have cars, I
5 don't think it's an issue.

6 MR. KLING: Do you participate in poker
7 runs?

8 MR. SPALDING: Yes.

9 MR. KLING: About how many boats are
10 in -- do they --

11 MR. SPALDING: We actually have Maryland
12 Powerboat Club, we put on a couple of runs. Our
13 boat count, 35, 40 boats, and that's twice a year,
14 twice a year.

15 MR. KLING: Is the stopping point --

16 MR. SPALDING: Vera's is one of the
17 stopping points.

18 MR. KLING: When they come to Vera's as
19 a stopping point where do they start?

20 MR. SPALDING: Where do they leave from
21 or where were they leaving from to get to that

1 stop?

2 MR. KLING: Where do you start to get to
3 Vera's?

4 MR. SPALDING: The Tiki Bar is where we
5 start our event. It's mostly a river run. We
6 would go from the Tiki Bar to Sea Breeze up
7 somewhere to Benedict and then we end up at Vera's.

8 As far as the boat issue, she just made
9 sure that I mentioned this, they're not all big
10 powerboats. We had a guy that was a member of our
11 club that did the poker runs in a 17-foot Boston
12 Whaler. We have between the go-fast boats to a guy
13 that does it in a 43-foot Jefferson with ten people
14 on board, and he's certainly doing, I don't know,
15 maybe 17 miles an hour or so. So we have
16 everything in between. I've been boating, I'm 49
17 years old, I've been boating since I could walk,
18 so.

19 THE CHAIRMAN: Another question, sir.
20 Go ahead.

21 MR. MARSH: These poker runs, I'm

1 somewhat familiar, most generally they're for
2 charity.

3 MR. SPALDING: Charity sponsored events.

4 MR. MARSH: Charity sponsored events
5 that you give to the local charities.

6 MR. SPALDING: Yeah, past two years
7 we've raised almost \$8,000.

8 MR. MARSH: Thank you.

9 MR. SPALDING: For local charities.
10 Thank you.

11 THE CHAIRMAN: Any other questions?

12 MS. TROVATO: I have a question. In
13 these poker runs, is speed an issue or just getting
14 there?

15 MR. SPALDING: It's never an issue. We
16 make sure that we tell everything before we leave
17 it's not a race. It's a social event and getting
18 together and having a good time. You might have a
19 handful of people that like to go fast, but the
20 majority of the people that take part in these
21 events just like to have a good time and it's a

1 leisurely boating.

2 AUDIENCE MEMBER: I'm one of those
3 people who participate and I only have a 19-foot
4 boat.

5 THE CHAIRMAN: Thank you.

6 MR. MARSH: James, James here? Barry?

7 MR. SPALDING: Thank you for letting me
8 speak. I live over on Nats Creek off of Cuckold
9 Creek and my main concern was already addressed
10 with the concentration of recreational boaters in
11 other places in smaller creeks and this doesn't
12 address Mill Creek off of Cuckold; is that correct?

13 THE CHAIRMAN: Excuse me, sir, you have
14 to speak a little louder, please.

15 MR. SPALDING: My question was this is
16 for Mill Creek and Cuckold Creek?

17 THE CHAIRMAN: We haven't gotten there
18 yet.

19 MS. TROVATO: St. Leonard's Creek.

20 MR. SPALDING: My point was that the
21 gentlemen said it would concentrate recreational

1 boaters in one area that's not restricted and Mill
2 Creek that's not under this will handle a large
3 part of that concentration is my understanding, but
4 we often go over for dinner over to Vera's and I
5 probably won't go there anymore if it takes that
6 long to get back in there. That's one of the
7 reasons we go there, because I come over from
8 Cuckold Creek. Thank you, sir.

9 THE CHAIRMAN: Any questions for the
10 gentleman?

11 MR. MARSH: I can't quite make the last
12 name, is it Betty? Anyone that signed up that --
13 Kristina Dean?

14 MS. DEAN: I have nothing more to add,
15 I'm in support of what's been said.

16 MR. MARSH: Nothing more to add. Carol
17 Miles?

18 MS. MILAN: Caroline Milan, I live on
19 Cuckold Creek and I also support, I have nothing to
20 say.

21 MR. MARSH: L.F. --

1 THE CHAIRMAN: Excuse me, would you
2 identify yourself again and speak a little louder?
3 The young lady behind you, sir, let her stand up
4 again, because it won't be in the record if she
5 doesn't hear it.

6 MS. MILAN: Carol Milan, and is that all
7 you wanted?

8 THE CHAIRMAN: Thank you.

9 MR. MARSH: L.F. Milan.

10 MR. MILAN: I live on Cuckold Creek, but
11 I travel a lot on St. Leonard's Creek and I guess
12 my concern is the enforcement of trying to make the
13 water safer by adding speed limits. If that's not
14 enforced it's not going to happen. By the DNR.
15 DNR can regulate now unsafe boating acts so if I'm
16 out on the water and being unsafe they can give me
17 a citation. It's a little harder to prove in
18 court, but they can certainly make me aware that
19 I'm driving unsafely. That's all I have to add. I
20 don't think you should be imposing speed limits to
21 regulate safety.

1 MR. MARSH: Thank you, sir. Mr. Sharp.
2 Ms. Sharp.

3 MS. SHARP: I agree with everything
4 that's been said so far. I think that a lot of
5 people moved to St. Leonard Creek because it is a
6 wide creek, you have beautiful views, and then once
7 they get there, you know, they want to keep it
8 there for themselves, but there's a lot of people
9 that don't have access to waterfront property, you
10 know, they can only put their boat in the water on
11 the weekends or they have to rent a boat, and it's
12 a perfect creek for the waterskiing and tubing
13 activities because you're protected back there from
14 the traffic that's out in the river. The river
15 gets really rough and so does the bay, so they're
16 not good alternatives, and then I live in Cuckold
17 Creek so I'm also against the speed limit there,
18 but, you know, I think that the water is there to
19 be enjoyed by everyone, and just because a few
20 people have the money and they want to protect
21 their own interest, again, I'm against that. But I

1 do think that there's a safety issue that should be
2 addressed, yeah, but I don't think that setting a
3 speed limit at six miles an hour is an answer for
4 this. Thank you.

5 THE CHAIRMAN: We have a question for
6 you.

7 MS. TROVATO: What is the safety issue
8 you think need to be addressed?

9 MS. SHARP: Well, when I was younger we
10 went up to Annapolis area and we'd go skiing up
11 there, on the weekends it's crazy because you have
12 so much boat traffic there. It does create a lot
13 of rocking and stuff like that, so I can understand
14 that. That's why I stopped going boating up there
15 because there was so much, you know, you just get
16 so many people and you can't waterski, so, you
17 know, you find other places that you can waterski
18 or whatever like that, and there are some rude
19 boaters out there and it's not just limited to
20 speed boaters, but yeah, you know, some of the
21 sailboaters too. Because there seems to be a

1 rivalry there. But, you know, I think it's more
2 about educating people that own boats like, you
3 know, if you were born after 1978 you have to get a
4 boating class, but any idiot with a lot of money
5 can buy a boat and not have to take any sort of
6 class at all, and they don't realize that you can't
7 stop those boats on a dime, that they put out a lot
8 of wake. I mean I've seen a lot of big boats come
9 by my house and they're all crowded because they
10 bought this big boat and they're waving and they're
11 plowing and they're creating a huge wake which is a
12 lot more, you know, it causes a lot more problems
13 than, you know, a boat that is up on plane pulling
14 a waterskier. You know, I think it's more about
15 education and training and getting people to be
16 civil to each other instead of.

17 THE CHAIRMAN: Thank you very much for
18 your comment. Any other questions?

19 MR. MARSH: We have Todd Purring.

20 AUDIENCE MEMBER: He had to leave, he
21 pretty much gave his input, we have his included.

1 MR. MARSH: Is there anyone else who
2 would like to speak that has not signed up against
3 the petition? If you get up, state your name so we
4 can get it in the record.

5 MR. HANSEN: My name is Darryl Hansen,
6 we've been living on St. Leonard Creek for about 20
7 years, have two boats, and most of my comments have
8 already been made but I would like to point out one
9 idea about erosion. There's a small island when we
10 moved down here, about 60 foot in diameter just
11 west of the Vera's, it's now about eight feet in
12 diameter and that's right smack dab in the middle
13 of the speed limit zone. It's, Mother Nature is
14 going to do that regardless.

15 MR. MARSH: Thank you, sir. Anyone else
16 that's not signed up and would like to speak? Yes,
17 sir.

18 MR. HATCHER: My name is Charles
19 Hatcher, I live on Cuckold Creek. I have a degree
20 in marine engineering, which includes some hull
21 design aspects and I wanted to offer some points on

1 what affects a wake. I have a tournament rated ski
2 boat, I have two kayaks, I have 1941 Old Town canoe
3 and I have a windsurfer. Four things that affect
4 the wake that a boat puts out, the size of the
5 boat, the weight of the boat, the displacement, the
6 design of the hull, the speed at which the boat is
7 operated, and the way that it is operated. As a
8 competitive waterskier I don't like a boat wake. I
9 like to go straight with no wake from my own boat.
10 The way that it is handled, whether it's going
11 straight or whether it's turning will dictate what
12 the wake does and how it shapes and how it
13 propagates in all directions. So there are two
14 extremes; there's a boat like mine that does not
15 put out a wake, at 34 miles an hour it's less than
16 six inches, in comparison to what I believe to be
17 true, that a boat that is doing 10 knots if it's
18 big enough can put out a four-foot wake. So I just
19 wanted to make sure that the board considers all of
20 those points and know that I do not support that
21 speed limit across the board.

1 THE CHAIRMAN: Thank you, sir. Do you
2 have -- do you want to speak, sir?

3 MR. KELLY: Yeah. My name is John
4 Kelly, I've lived up at the back end of St. Leonard
5 Creek for 23 years. I'm also a businessman in the
6 county, I have Kelly Generator up on Route 4, I'm a
7 very busy person. I love to fish, which is why I
8 bought that waterfront property 23 years ago. I
9 raised my children there and we've done all kinds
10 of boating there. This speed limit would increase
11 my in and out by about an hour, and the few times I
12 can get out fishing, it places a tremendous
13 hardship on the people up the far end of the creek,
14 because the creek is four miles long, it's a very
15 long creek, so I'm in support of, you know, the
16 people against the speed limit.

17 And the other thing I wanted to have you
18 guys consider is people are bringing up that, you
19 know, this wake is causing erosion. If you extend
20 that logic, then you've got to put a speed limit on
21 the whole river. All the wakes on that river, if

1 you think -- and beyond that you have to extend it
2 to the Chesapeake Bay. I mean where do you draw
3 the line with this? It's just incredible, so you
4 have to think about that as well. You set a
5 precedent here for environmental factors, then the
6 river's gotta be shut down too. I don't see how
7 you can avoid any kind of a legal argument. Thank
8 you.

9 MS. ROWE: My name is Diane Rowe and I
10 am co-founder of Maryland Powerboat Club and we
11 have a lot of friends with go-fast boats and the
12 thing that hasn't been addressed for us is it's not
13 good for our high performance boats to idle in that
14 long, for that long period of time. It's just not
15 good for the motors, number one, and number two, I
16 can tell that you if it takes us that long to get
17 to Vera's -- and we're not, like he said, the boats
18 are not doing a hundred miles an hour. Anybody's
19 been on a boat doing a hundred miles an hour knows
20 that is very fast. We wouldn't be going to Vera's,
21 and we probably go there every Saturday and

1 sometimes two times on the weekend, and if the
2 speed limit is enforced there to go six miles an
3 hour they're going to lose a lot of business, but
4 also people are going to do damage to their high
5 performance boats. That's all.

6 THE CHAIRMAN: Thank you very much.

7 MR. MARSH: Is there anyone else that
8 would like to speak that has not already?
9 Mr. Littleton, you have already.

10 MR. LITTLETON: I forgot to provide a
11 clarification from the county commissioners, if I
12 could have an opportunity I would like to.

13 MR. MARSH: Yes, sir.

14 MR. LITTLETON: On November 17th I
15 attended the Calvert County Commissioner meeting to
16 see if they were going to endorse or not endorse
17 any of the petition that was presented here today.
18 The information provided by the Calvert County
19 Commissioners was they had not endorsed anything,
20 so I would hope for the record's purposes that you
21 could get that straight from the county

1 commissioners. On November 17th when I attended
2 the hearing, they said nothing had been endorsed in
3 favor or against the proposed speed limit. So if
4 you could get that information from them, that
5 would be very good for helping to clarify this.

6 MR. MARSH: Yes, sir.

7 AUDIENCE MEMBER: Could Bob clarify
8 that? Because the letter was sent to Bob.

9 MR. LUNSFORD: What I've got I'll share
10 with the committee.

11 AUDIENCE MEMBER: Could you say it
12 though?

13 THE CHAIRMAN: Excuse me, sir.

14 AUDIENCE MEMBER: I'm sorry.

15 MS. TROVATO: That would be helpful.

16 MR. LUNSFORD: Would you like me to read
17 the opening sentence of the letter?

18 THE CHAIRMAN: I have something to say,
19 I'm the chairman. We try not to get into debate on
20 the issues. We have the letter. We'll review that
21 and we will take into consideration what was said

1 and if you have an issue back there, sir --

2 AUDIENCE MEMBER: This is a point of
3 order, and I have spoken but I do want to make a
4 clarification here and you can help this. I think
5 there was some individuals in the audience when
6 they say they have 17- and 19-foot boats don't
7 realize what the proposal is, and if you could
8 please explain that to the audience I would
9 appreciate that.

10 THE CHAIRMAN: No, we, we won't get into
11 that, sir, I'm sorry. Now, we're trying not to
12 get -- we're trying to end the conversation
13 concerning the issue. Now, you had one more item
14 you wanted, I'll let you be the last speaker. You
15 have something that you want to say?

16 MS. HEBERLE: Yes, I do. I would like
17 to, because there were a lot of people that came
18 in --

19 THE CHAIRMAN: Stand up.

20 MS. HEBERLE: Catherine Heberle. There
21 were a lot of people that came in late today so I

1 think it is important to read what is being asked
2 for in the proposal, just as a refresher, which is
3 only boats less than 23 feet.

4 THE CHAIRMAN: Excuse me, we will not do
5 that. If you come late, you come late, and now,
6 we're going to move on now to having the officers
7 testify on their opinion concerning the petition.

8 (Discussion held off the record.)

9 SGT. RILEY: I'm Sergeant Riley with the
10 Natural Resource Police. Actually, I currently
11 have 23 years with Natural Resources Police. I
12 started out back in 1988, when I came out of the
13 academy I went to Benedict. I've been on the
14 Patuxent pretty much that whole time. I went back,
15 I actually worked up in Annapolis in the other
16 areas where they're talking about this 35/25 and
17 all that. Honestly, the speed limit in the creek,
18 six knots is just outrageous for that amount of
19 area, and I agree with some of these other people,
20 it's going to push them into the smaller creeks and
21 we're going to wind up having bigger problems. So

1 honestly, I think in talking to the officers that
2 actually work the area now, it's, it would almost
3 be -- it's just too much.

4 Now, if they went with the 35/25 like
5 they have up on the South River, that could be
6 something somewhat doable, but, you know, they're
7 going to have to give us some officers to do some
8 enforcement. It's just we're not going to be there
9 as often as we'd like to be, and honestly, I don't
10 know what the stats were that they had, I think we
11 responded to numerous complaints over this past
12 year because when they put this survey out there
13 they tell all of their people to start calling,
14 call, call, call, call, so you see an increase in
15 the amount of calls that we had in the area but you
16 really didn't see any increase in how many
17 citations were written there compared to previous
18 years. So that's all I have. If anybody has any
19 questions for me.

20 AUDIENCE MEMBER: I have a question --

21 THE CHAIRMAN: Excuse me. No, he's

1 addressing the committee. The committee have any
2 questions of the officer?

3 MR. MARPLE: Yeah. Is the officer who
4 wrote the report here? I don't know how you
5 pronounce it.

6 SGT. RILEY: I don't know what, who
7 wrote this one. I apologize for this, this
8 gentleman called in sick today or he would have
9 been giving you this report.

10 MR. MARPLE: I don't blame him.

11 SGT. RILEY: Actually, I got called at
12 the last minute too. I'm the supervisor in Charles
13 County now and the supervisor for Calvert called
14 and said hey, I got a meeting up in Annapolis,
15 could you attend this for me? I was like okay.
16 But I do have experience on the Patuxent and I love
17 the Patuxent. I'm a Calvert County resident and I
18 use it quite a bit.

19 (Pause for document examination.)

20 MR. LUNSFORD: That's pretty much what
21 he --

1 SGT. RILEY: His report basically says
2 the same thing as mine. And again, anybody else
3 from the committee? Thank you very much for having
4 us, and I actually, I appreciate you coming to
5 southern Maryland so we didn't have to come all the
6 way to Annapolis.

7 THE CHAIRMAN: Okay, thank you. Does
8 anyone on the committee have any questions for the
9 officer, any other questions? Okay.

10 DELEGATE O'DONNELL: Mr. Chairman, may I
11 speak?

12 THE CHAIRMAN: Yes, sir.

13 DELEGATE O'DONNELL: I'm Delegate
14 O'Donnell and I'm a member of the legislature, the
15 House of Delegates, and I represent the area where
16 St. Leonard Creek is in the legislature. I think
17 there are some concerns that may be valid with the
18 petitioners; however, I believe that the answer
19 should not be to shut down that entire creek to six
20 miles per hour. So I will continue to work with
21 the petitioners to find other solutions, I think

1 that that's appropriate, but I think to shut down
2 that creek would adversely affect way too many
3 people, out of proportion to the problem that we
4 have. And I wanted to state that today, but I will
5 work with the petitioners to see if there are other
6 methods to resolve the issue. Okay? Thank you.

7 MR. LEVITAN: True politician.

8 THE CHAIRMAN: Thank you very much, sir.
9 That will close the hearing concerning St.
10 Leonard's Creek. And we'll now move on to the next
11 creek.

12 MR. MARSH: Cuckold Creek, and we have
13 those in support -- I guess we'll wait a minute
14 until everybody is gone.

15 (Pause in the proceedings.)

16 THE CHAIRMAN: Could everyone please
17 take their seats so we can get started? As soon as
18 you take your seat, we will reconvene.

19 (Pause in the proceedings.)

20 THE CHAIRMAN: Bob, you're on.

21 MR. LUNSFORD: Okay, the next petition

1 will be for Cuckold Creek in St. Mary's County.
2 The petition is for a six-knot limit from the mouth
3 the creek there at Clarks Landing Restaurant
4 upstream to what is now a currently regulated area
5 up by Banks Marina that's Saturdays, Sundays and
6 holidays from there to the head of the creek. And
7 the rationale was pretty much the same as on St.
8 Leonard's Creek, there was concern about erosion
9 and congestion, and I do have an erosion report, it
10 reads the same. Based on the above-mentioned
11 observation and conditions it has been determined
12 that wakes produced by boats navigating the
13 waterway have little or no apparent impact in terms
14 of shoreline erosion on Cuckold Creek.

15 MR. KLING: Mr. Chairman, I have a
16 question.

17 THE CHAIRMAN: He has a question for
18 you.

19 MR. KLING: Bob, is that not Mill Creek?

20 MR. LUNSFORD: Yeah.

21 AUDIENCE MEMBER: Mill Creek is below.

1 MR. LUNSFORD: No, I'm sorry, that's
2 Nats Creek, Mill Creek is down there.

3 MR. KLING: Oh.

4 MR. SIMON: Hit that again, please.

5 MR. KLING: The question is just earlier
6 whether -- so that's Mill Creek, that's Nats Creek,
7 which I --

8 MR. LUNSFORD: Nats Creek.

9 AUDIENCE MEMBER: To clarify, Mill
10 Creek, once you get at that point that sticks out
11 heading south southeast, down in the left, right in
12 that, from that point into the creek is already
13 restricted.

14 MR. LUNSFORD: Thank you.

15 THE CHAIRMAN: Sorry, we haven't started
16 testimony yet.

17 AUDIENCE MEMBER: This is just a
18 comment, it's a correction.

19 THE CHAIRMAN: You wanted to make a
20 correction?

21 AUDIENCE MEMBER: To what he said, yes.

1 He just said it was Banks Marina, it's Weeks Marina
2 back in Cuckold.

3 MR. LUNSFORD: Weeks and Blackstone, I'm
4 sorry, I apologize.

5 THE CHAIRMAN: Thank you for the
6 correction.

7 MR. MARSH: We didn't have anybody
8 signed up in support unless there's somebody here
9 that wants to speak that hasn't signed up in
10 support. Nobody here? Okay, those against, is
11 there a spokesperson that would like to go first on
12 the against and then we'll move on from there.

13 MS. CHRISTMAN: Joyce Christman.

14 THE CHAIRMAN: Name again, please?

15 MS. CHRISTMAN: Joyce Christman. I've
16 lived on the water all my life, I started out on
17 the Patuxent River, so as Mr. Fowler, who has left,
18 has said, there has been a lot of change over the
19 year, yes, I understand that with congestion. We
20 currently own a home on the Cuckold Creek. There's
21 a lot of activity, we enjoy the water ourselves,

1 and opposing the speed limit because we do enjoy
2 waterskiing, those types of things. It was costly
3 to us, we did put a bulkhead in to protect our land
4 over the years. My husband was born and raised
5 there, the land has probably washed away 15 feet
6 since his parents owned that property many, many
7 years ago. We are opposed to it. However, we do
8 have concerns about some of the speed in that creek
9 at times, so it's both ways, but we are opposing
10 even though there are some safety concerns,
11 especially in reference to the fast boats that do
12 come into the creek. A lot of times they just zoom
13 in, make a lap and they do cut off other boats that
14 are skiing, but even though we understand that, we
15 are opposed to the speed limit.

16 THE CHAIRMAN: Thank you.

17 MR. MARSH: Again, we would ask you to
18 kind of limit yourself and not be too redundant on
19 what the first person said. Charles.

20 MR. CHRISTMAN: Yes, I would ask -- I'm
21 an owner, Joyce's husband here.

1 THE CHAIRMAN: Your name, sir?

2 MR. CHRISTMAN: Charles Christman. And
3 I've been a landowner there on Cuckold Creek right
4 about at where the limit would begin, right below
5 the 1650 there. And the biggest issue that we've
6 really experienced there in my years of 50-plus now
7 are larger boats that come in without regard to the
8 wake that they're throwing, and this is an
9 educational thing. It's a shame, I'm halfhearted
10 about opposing the thing because there is an issue
11 with that. But it's not fair that if we, if we
12 want to get up on a Sunday morning or some of our
13 neighbors love to waterski, they're not hurting a
14 thing by getting up on a Sunday mornings, you know,
15 Saturday morning, going out there and running
16 around and, you know, waterskiing or whatever, and,
17 you know, if I want to do that, I won't be able to
18 do that, and I think I pay enough taxes, I know I
19 pay enough taxes on that waterfront that, you know,
20 that's one of the reasons we live there and we have
21 it and we've had it all these years, so I wish

1 there was some kind of a mean that we could reach
2 on this. I believe that this is a cut and fast
3 six-mile-an-hour limit all boats, right? Is that
4 correct? That's the way I understand it. Now,
5 probably not -- the other folks wouldn't want to
6 hear this from St. Leonard's, but if we had a 23
7 and below I'd, I'd be on the other side of the
8 sheet, if we had a 23-foot and below, but all
9 boats, if I want to take my WaveRunner out on a
10 Sunday morning and run around, I can't do it. It's
11 just, it doesn't seem fair. There's got to be a
12 better way to do it.

13 THE CHAIRMAN: Thank you, sir.

14 MR. MARSH: Thank you, sir. Any
15 questions? Robert Myers.

16 MR. MYERS: Thank you, Robert Myers, I
17 have property at 45325 Daniels Court, and that's
18 outside of the speed limit area on the creek. And
19 just wanted to bring up a few chords. A lot of
20 things were mentioned in the last brief of the St.
21 Leonard's Creek and I won't highlight those, a lot

1 of talk about safety risk, I have waterskied on
2 that creek for 20 years, I moved to that area in
3 1989 and have waterskied there and have enjoyed
4 that area and personally I have not seen the safety
5 risks that, I guess we haven't had any mentioned
6 today, so, unless somebody is supporting this
7 that's here. And what I'd like to see is for my
8 kids to continue to be able to use this creek.
9 I've got twin girls that are ten and a boy that's
10 eight, I have a 24-foot Broadwater, I've got a Jet
11 Ski, I've got a canoe, I've got a windsailer, enjoy
12 being out on the water; to steal that from them
13 would be a travesty. And I'd also like to bring
14 up, a lot of talk about money here, I feel like
15 putting a speed limits on this would reduce the
16 usefulness of the creeks and in essence it will
17 make the property less valuable because it's less
18 useful to the people that would be maybe moving in
19 there or wanting to move in there.

20 The, the other thing, we talked about
21 congestion by closing down that half of that

1 waterway, it would definitely congest the
2 waterskiing and boating activity over on the
3 nonrestricted side just was like talked about
4 earlier with the domino effect, effectively pushing
5 the people to other waterways and thereby creating
6 congestion and furthering any type of safety risks,
7 of which I really have not seen. I've been out
8 there, again, many times with my kids on the Jet
9 Ski, I'm the only one there, and this is on
10 weekends. So I'm not sure where the letter came
11 from.

12 The other thing I'd like to see is when
13 these things are brought forward, DNR does a great
14 job, but the information is not out there for the
15 people like me on the website. I heard about this
16 a week before the petitioning was closed, I
17 believe, what was that, 7th of September, I believe
18 it was closed on the 7th, I heard about it from my
19 father because he attended a group of people that
20 meet about fishing and they had heard about it.
21 And I took what action I could. I spent one day

1 that following weekend and I got petitions from 40
2 people where I had them sign a petition, I based my
3 form on what was on the website, had 40 people
4 sign, and this was in between doing Boy Scout
5 popcorn sales and everything else, okay. And
6 everybody I talked to -- running out of time.

7 THE CHAIRMAN: I'd like for you, sir,
8 just to, if you could kind of summarize now, do you
9 have --

10 MR. MYERS: Summarize is I'm very much
11 against this, this proposal. Thank you.

12 MR. MARSH: Thank you.

13 THE CHAIRMAN: Thank you.

14 MS. TROVATO: Do we have a copy of
15 petition with the 40 names?

16 THE CHAIRMAN: Yes, he has.

17 MR. MYERS: It should be in the record.

18 MR. LUNSFORD: I got it. Yeah.

19 MS. TROVATO: Great, thanks.

20 THE CHAIRMAN: Yeah, we have that for
21 the record.

1 MR. MARSH: Matthew.

2 MR. NEAL: Matthew Neal. I own
3 waterfront on Hellen Creek, I've lived there for 14
4 years, and enjoy boating. Hellen Creek if you
5 don't know is straight across the river on the
6 Calvert County side from Cuckold Creek and about a
7 couple of miles south of St. Leonard Creek. And
8 it's a pretty small creek, but you can waterski and
9 you can wakeboard and it's, on a daily basis it's
10 done in there. Maybe three or four boats can get
11 in there safely and do it. If these rivers or
12 these creeks are closed for that kind of activity
13 it's all going to be pushed over there, that's the
14 closest area, and it's going to be very unsafe over
15 there. That's all I have to say.

16 THE CHAIRMAN: Any questions?

17 MR. MARSH: Nancy?

18 MS. GLOCKNER: Same thing.

19 MR. MARSH: Same thing. Darryl Hansen.

20 AUDIENCE MEMBER: He had to step out.

21 Thank you, Mr. Hansen had to --

1 MR. LUNSFORD: He's gone.

2 MR. MARSH: He's gone, okay, move along.

3 MR. GLOCKNER: Sir, I think you skipped
4 my name.

5 MR. MARSH: I might be coming down to
6 it.

7 MR. GLOCKNER: I was before these guys.

8 (Discussion held off the record.)

9 MR. MARSH: Ronald.

10 MR. GLOCKNER: Yes, sir.

11 MR. MARSH: There you go, I didn't miss
12 you.

13 MR. GLOCKNER: Couple different comments
14 on Cuckold Creek versus what I said for St.
15 Leonard's. For those of you who live up in the
16 Annapolis area, you may not be aware that we have
17 extremely limited public boat ramps on the Patuxent
18 River. As a matter of fact, I could be wrong, but
19 I can only think of one, and that one public boat
20 ramp is right up here in this area (indicating).
21 From where that boat ramp is to the mouth here is

1 two nautical miles. Now, for anyone who doesn't
2 own waterfront you're looking at a 40-minute round
3 trip to go out fishing. So again, for that reason
4 I'm opposed to any, any speed limits in this area.

5 Furthermore, I'm an avid waterskier.
6 These creeks right here and right here are ideal
7 for competition style waterskiers. You heard
8 testimony earlier today about St. Leonard's Creek
9 that oh, those people can just go out in the
10 Patuxent River. No, that's not so. You cannot do
11 decent waterskiing or even safe tubing out in the
12 Patuxent River, it's just simply too rough, and
13 again like Mr. Neal said earlier, I'm also opposed
14 to the speed limit because it's going to make
15 congestion much worse, decreasing safety in some of
16 these other smaller creeks.

17 THE CHAIRMAN: Any questions for the
18 gentleman? Thank you.

19 MR. MARSH: Ruth? Yes.

20 MS. JOSEPH: I'm Beth Joseph and I live
21 in the area that Ron was just pointing to that I

1 would be within that speed limit zone if this does
2 pass and I'm absolutely against it and totally want
3 to echo what Mr., I believe his name was Littleton
4 was saying as far as all of the details about how
5 it's always the powerboaters that are causing the
6 problems with the erosion and the unsafe activity
7 on the water. I'm a powerboater, I'm also a
8 sailboater, a little bit of everything, and I
9 specifically, my husband and I specifically bought
10 the property that we did so that we would have
11 access to the water. We did not look up in the
12 creek where the six-mile-an-hour speed limit was on
13 or on the river side because we wanted to be able
14 to have access to the water for our family. Just a
15 couple of points to make for this, we've seen the
16 shoreline change to the positive. My in-laws live
17 right on the point where the creek comes out into
18 the river, and they've gained property over the
19 years, so that natural movement is going to happen
20 there whether you have a powerboat or a sailboat or
21 anything else in that waterway. I think that I've

1 seen some unsafe activity in that waterway and also
2 over in St. Leonard's, but I would also say that
3 probably the majority of it, there's already
4 regulations again, it's just very difficult for
5 these folks to enforce the rules that are already
6 there. Adding new rules and speed limits are not
7 going to change that whatsoever. That's all I have
8 to say.

9 THE CHAIRMAN: Thank you very much. Any
10 questions?

11 MR. MARSH: Gordon Spalding?

12 AUDIENCE MEMBER: He left.

13 MR. MARSH: He left. And Barry?

14 MR. SPALDING: I live on Cuckold Creek,
15 or Nats Creek off Cuckold Creek. I'm just against
16 it and I have nothing further to add.

17 MR. MARSH: Lance.

18 MR. MILAN: Lance Milan, I live on
19 Spring Cove, which is just inside the six-knot zone
20 up in that tiny little creek, and on the side of
21 erosion, you know, there's, you can't go fast in

1 that area if you wanted to, and we have more
2 erosion in my little creek than there is on the
3 rest of that creek out there, so to say that boat
4 wake is what's causing it is ridiculous. I'm not a
5 scientist, but even in a hurricane the waves are
6 that big in my creek.

7 Also for safety regulations, I'd like to
8 see, before they started putting regulations in I'd
9 like to see data on injuries or accidents, because
10 I haven't heard of any in our creek. There are
11 five channel markers marking the entrance of the
12 creek, one of which doesn't have a light on it.
13 Every year somebody hits that channel marker.
14 That's a safety issue. Nobody has a petition about
15 that. But if someone wants to save some lives,
16 that's the place to do it, not speed limit, that's
17 not where the accidents are happening. Also, I
18 created a Facebook page when I found out, and in
19 three days we had 150 people supporting the cause
20 of no speed limits on this creek. A lot of them
21 couldn't be here because they work, they had other

1 things going on, but the speed at which that
2 happens that people care tells you something about
3 the issue.

4 THE CHAIRMAN: Thank you very much, sir.
5 Any questions for the gentleman?

6 MR. MARSH: B-U-Z Milan.

7 MR. MILAN: My alias is L.F. Milan. I'm
8 Buz Milan, I live up on the house up on the point
9 of land across from Weeks Marina, that's in the
10 speed limit zone today. There are many violations
11 of the speed limit zone up there and I'm sure that
12 DNR would attest to that. If they sent time up
13 there they could probably reduce the taxes of the
14 entire state of Maryland. So the speed limit is
15 not going to slow down people who don't understand
16 boating or the rights of boating. There's probably
17 more unsafe acts that go on which already are
18 enforceable without a new speed limit, for people
19 following boats too close, doing things like that,
20 waverunners jumping the wakes. I own a big boat,
21 so I'm one of those big wave guys, and I turn into

1 the creek and go to idle and go back to my place
2 where I dock my boat all the time, so I'm sensitive
3 to my wake issues, and the only place that I see
4 any real wake issues come up is at Clarks Landing
5 Restaurant, because it's right at the pinnacle of
6 the Patuxent River inlet and the two creeks there
7 that adjoin. I am against this additional speed
8 limit for all the reasons that have been stated.

9 MR. MARSH: Any questions?

10 THE CHAIRMAN: Any questions? Thank
11 you, sir.

12 MR. MARSH: Carol Milan.

13 MS. MILAN: Once again, everything else
14 has pretty much been said, unless you want to me to
15 reiterate, so I am totally against it.

16 THE CHAIRMAN: Thank you.

17 MR. MARSH: Kristina Dean.

18 MS. DEAN: I'm a homeowner, waterfront
19 property owner in Mill Creek and I also support
20 everything that's been said. I would not want to
21 see a speed limit bring more skiers from other

1 creeks into the little Mill Creek area that we have
2 left to ski in.

3 MR. MARSH: L.F., you just did it?

4 Good. Krista.

5 AUDIENCE MEMBER: She's gone.

6 MR. LUNSFORD: Gone.

7 MR. MARSH: Beth Joseph.

8 MS. JOSEPH: That was me.

9 MR. MARSH: Mrs. Sharp.

10 MS. SHARP: I'm Sigi Sharp and I've
11 lived on Cuckold Creek for 18 years and I oppose
12 the speed limit. Thank you.

13 MR. MARSH: That's all unless someone
14 else has not signed up that would like to speak.
15 Yes, sir.

16 AUDIENCE MEMBER: I'm -- yes, sir, I
17 spoke before, I didn't get a chance to sign up, no
18 further comment other than I oppose.

19 THE CHAIRMAN: Would you like to speak
20 again?

21 MS. CHRISTMAN: Yes, I just had one

1 thing that I forgot to mention. Joyce Christman
2 again. Even though I am opposed to I'd just like
3 to make a recommendation that maybe when they, when
4 anybody gets a boat they have to sign up for the
5 boater safety course before they can get their
6 boat. Maybe you could consider what can we do for
7 that boater course to maybe encourage, because some
8 of the problem is that the boaters come from the
9 city, no offense, I'm sorry, and they come down
10 here and they don't have a clue about the water.
11 Oh, I got a boat, I just gotta have a boat, so they
12 got out there, they don't know what a plane is,
13 they don't know how to get off a plane. That
14 creates a lot of problem, I think it's educational.
15 We have to take a driver's test, it's not just
16 written driver's test, you've gotta get out on the
17 road. Maybe that's something to consider that when
18 you take the boater safety course when I took it
19 and my sons took it there was never --

20 THE CHAIRMAN: We appreciate your
21 opinion. However, that's beyond the scope of this

1 hearing.

2 MS. CHRISTMAN: I know. Just a
3 recommendation, thought.

4 THE CHAIRMAN: We have discussed this
5 issue.

6 MS. CHRISTMAN: Recommendations.

7 THE CHAIRMAN: There are some pros and
8 cons on that. One of the main reasons for not
9 having a more stringent boating in the state of
10 Maryland is because the state does not wish to
11 discourage people coming from outside of the state
12 into the state of Maryland. And that's, that's not
13 an issue for our board, but we know about that.

14 Do you have a comment back there, sir,
15 someone had a hand up? Okay, let's go.

16 MR. MARSH: Is there anyone else --

17 THE CHAIRMAN: Excuse me, he would like
18 to make a statement.

19 DELEGATE O'DONNELL: Again, Mr.
20 Chairman, ladies and gentlemen of the committee,
21 I'm Delegate O'Donnell, I represent this area as

1 well, St. Mary's County, in the legislature, and
2 although there may be some issues here, I don't see
3 a ground swell of support in favor of this, I heard
4 a lot of my constituents opposed to it and I think
5 that six-mile-an-hour speed limit idea should not
6 go forward. That's my recommendation.

7 THE CHAIRMAN: Thank you, sir.

8 MR. MARSH: Is there anyone else that
9 would like to speak against it? How about the
10 officer that patrols that area? We can hear from
11 you.

12 OFFICER PHOEBUS: I'm Officer Phoebus,
13 Natural Resources Police. The -- I was off for the
14 summer doing background investigations on potential
15 new hires. I've been working the area for the last
16 four years. Officer Holmgren was the one that
17 actually filled out the paperwork or the survey on
18 it. There is some concerns in this creek with the
19 reason that this came about. My personal opinion
20 isn't that we need the whole creek as a six-mile
21 zone, it's more or less the wake and the boat

1 traffic that's coming around there by Blackstone
2 Marina. I actually have been called out there,
3 spoke to the owner of Blackstone. When we talked
4 about it he was, he was kind of in favor of it
5 because of the damage or the boats that are being
6 thrown around in his marina, which I understand his
7 complaint. When I spoke to him I talked to him
8 about the point below his marina, and he agreed
9 that if, if he -- if we would move it to there he
10 would have been happy with that. You know, we
11 just, they need their marina protected and the
12 boats protected. We have one marina that's in the
13 six-mile zone, I can't even read at that from here
14 to -- we have one marina that's being protected in
15 the six-knot zone, right next to it's a marina
16 that's not. My suggestion would be to just bring
17 the speed zone to the bottom, the bottom side of
18 Blackstone. That way the people that live on the
19 water or use the water could still enjoy it. The
20 residents that I spoke to around there, they're
21 opposing it, as you can see, everybody is here to

1 oppose it. They could still enjoy their skiing,
2 they could still enjoy their boating, it wouldn't
3 take so long to get in and out of there.

4 THE CHAIRMAN: There was one question
5 from the audience -- we normally do not entertain
6 questions.

7 AUDIENCE MEMBER: Not a question, sir, I
8 just hadn't heard you closed out the statements and
9 I wanted to add my statement.

10 THE CHAIRMAN: Excuse me, sir?

11 AUDIENCE MEMBER: I had not heard you
12 close out the statements and I would like to add my
13 statement.

14 THE CHAIRMAN: Oh, you haven't had a
15 chance to testify yet?

16 AUDIENCE MEMBER: Excuse me?

17 THE CHAIRMAN: You have not had a chance
18 to testify yet?

19 AUDIENCE MEMBER: I have not.

20 THE CHAIRMAN: Okay. When the officer
21 is finished I'll let you talk.

1 AUDIENCE MEMBER: I was just putting my
2 hand up.

3 THE CHAIRMAN: Do you have anything else
4 to add, sir?

5 OFFICER PHOEBUS: No, sir, that pretty
6 much sums up my stance and the concerns of the
7 creek and -- so.

8 MR. DWYER: Well, I just have a question
9 on the officer that wrote the report that says that
10 wakes erode the land.

11 OFFICER HOLMGREN: Yes, sir.

12 MR. DWYER: Where did you get your
13 expertise on that? I'm not trying to pick on you,
14 we just hear this and we are educated a little bit
15 in it.

16 THE CHAIRMAN: Excuse me, would you
17 identify yourself?

18 OFFICER HOLMGREN: Officer Holmgren,
19 Natural Resources Police. And as far as erosion,
20 there are many things that erode the land and a lot
21 of boat traffic in certain small areas does add to

1 the erosion. It's not the main purpose of the
2 erosion, but it certainly adds to it.

3 MR. DWYER: Okay. Thank you.

4 THE CHAIRMAN: One more question. Go
5 ahead.

6 MS. TROVATO: Have there been any safety
7 incidents on this creek, has anybody gotten hurt,
8 anything?

9 OFFICER PHOEBUS: No, we haven't had no,
10 no major, no accidents, no serious injuries. At
11 most it might, and I haven't even been called to,
12 is maybe a waterskier fell off the waterskis or
13 something. There's no real safety -- I mean when
14 you're putting a bunch of boats into -- they're
15 larger creeks, but it's not a river, and they do
16 get a lot of boat traffic in there and you do get
17 some boats that are in close to each other, but the
18 times that I've been over there it's, I mean people
19 look out for each other over there, we don't have
20 any problems with them causing any real safety. I
21 mean the biggest, the biggest complaint that I've

1 handled over there is the waterskiers make their
2 turn or the boaters make their turn right there at
3 Blackstone Marina, pushes a wake into the marina,
4 causes the boats to, you know, bounce off the
5 pilings, so that's the biggest, that's our biggest
6 complaint over there.

7 MS. TROVATO: Thank you.

8 THE CHAIRMAN: There is another comment
9 from another officer. Would you like to make your
10 comment?

11 SGT. DITMARS: I'm Sergeant Frank
12 Ditmars, I'm actually the supervisor for Calvert
13 County and to back up what Officer Phoebus is
14 saying, probably two to three times a week in the
15 summer we have to dispatch our officers, mainly
16 because of Blackstone Marina is a big issue, we get
17 that call two to three times a week. Our
18 compromise to this, we don't want the whole creek
19 in our opinion to be six knots, I just don't think
20 that's necessary from an action standpoint. We do
21 not have issues in there that you would think with

1 that type of congestion. Everybody is pretty much,
2 knows what they're doing. Our compromise is
3 because we have to go in there so much for that
4 particular area, just move that speed zone out,
5 what is that, a hundred feet, two hundred feet,
6 whatever that next point was, which you would
7 actually just extend is just a little bit to cover
8 that area which is being complained of. The rest
9 of the creek we don't have any issues with.

10 THE CHAIRMAN: You've already testified,
11 sir.

12 AUDIENCE MEMBER: Yes, I just -- could I
13 make a comment about the proposed?

14 THE CHAIRMAN: No, we were not into that
15 at the moment, we have another gentleman that's
16 going to say a few words.

17 MR. GROSS: Yes, I'm Randy Gross,
18 resident on Cuckold and actually share the inlet
19 with Blackstone along with Mr. Christman here. The
20 area is marked outside that. You cannot get to
21 Blackstone without going through the speed limit.

1 It's not correctly depicted in the picture, it's
2 been moved. The 12 maybe boats in Blackstone that
3 are affected by any wake are typically affected by
4 boats that do not honor the speed limit, so it's
5 not an issue of having the speed limit, it's the
6 matter of enforcement of that. I share with
7 Blackstone the same creek and the wake issues that
8 we do see there and they are people dishonoring the
9 limit, it's not a matter of a limit being in place.
10 Blackstone is completely within, all the way to the
11 point, the limit, has been the last two years.

12 THE CHAIRMAN: We're going to close the,
13 this particular session on this creek. We're going
14 to move on to the other one. We also we want to
15 thank the officers for being here, and as you know,
16 you're welcome to remain if you wish after, after
17 this.

18 (Pause in the proceedings.)

19 THE CHAIRMAN: We're going to go to the
20 last creek.

21 MR. LUNSFORD: The petition on the

1 Little Magothy. There are two speed limits on the
2 Little Magothy, one of them is not shown here, it's
3 the entrance channel, which is on the north end off
4 the chart, there it is, it's in this bulkhead area,
5 there's a six-knot zone. The head of the creek,
6 scroll back down, the head of creek has a six-knot
7 at all times speed limit area. The current
8 request, the petition is to move the line that
9 designates that six-knot area towards the mouth
10 about, I think it's about two hundred yards. This
11 is a narrow pitch point, when I first visited the
12 creek I actually thought that the buoys had been
13 misplaced, that it should have been up in this
14 area. However, the community association and a lot
15 of callers have called in and said that they use in
16 area for safety turnaround when they're waterskiing
17 in this larger area up here and somebody falls,
18 rather than go by them, they'll pull in here, turn
19 around and then came back and by that time the
20 problem with the skier is resolved. There's a very
21 narrow window, I think Mr. Jones and I were in

1 there, what, last Monday, and it's only about 74
2 yards, so there's only 40 or 50 feet that you can
3 go through and still be legal with the hundred-foot
4 rule.

5 The request is for moving that line, six
6 knots at all times all year. The erosion report is
7 in and it says the same as the previous two, that
8 based on the observations that were made that boat
9 wake does not seem to be contributing to the
10 shoreline erosion.

11 THE CHAIRMAN: Thank you, Bob. We have
12 one person supporting this.

13 MR. TAYLOR: I guess that's me.

14 THE CHAIRMAN: Yes, sir.

15 MR. TAYLOR: This is an awful picture,
16 could you move it down a little bit?

17 MR. McLEAN: Name for the record.

18 MR. TAYLOR: My name is Owen Taylor and
19 I live on the Little Magothy River, and let me show
20 you right where I live. That's a better, better
21 picture, hold that. I live right there. I must be

1 nervous because I can't hold this thing still. And
2 I've lived there for 23 years. I wanted to first
3 say that I really appreciate everything I've heard
4 this morning and seen, your committee and how it
5 works. I assume you're all highly paid because --
6 well, I assume you're not highly paid at all and I
7 do appreciate the public service that's involved
8 with what you're doing. It's very important, it's
9 important to all the citizens of the state of
10 Maryland, but it's also important to me as a boater
11 and a waterfront owner and all of that, and no
12 matter what decision you make over all of this, I'm
13 certain that you're going to give it careful
14 consideration, balancing all the factors, and just
15 in the last hour and a half I can see that there's
16 a lot of factors to consider. There's more than
17 just one side.

18 Right there, sorry, is also my dock and
19 right there is a number, 250 feet. That's about
20 right. The distance between my dock and the
21 property -- this community called Cape St. Claire,

1 which as you can see is a very populated area on my
2 side of the Little Magothy River, although
3 size-wise this is really a big pond, it is not big.
4 I mean this looks huge on here, but if you were to
5 blow it back you would find that it's a very tiny
6 area and the only access to it is through a little
7 gut right there that the community, we banded
8 together and did a taxing district and we dig that,
9 dredge that out about every two years as it fills
10 back in.

11 Now, when I moved in here 23 years ago
12 frankly the whole river was open to -- no speed
13 limits at all. This, what happened, well, I don't
14 know why it happened, but a speed limit -- well,
15 there's a speed limit of course with the gut, you
16 come in it's only six knots and then it dropped off
17 and so this whole area was open speed. About, and
18 Bob can probably tell you, but I was standing on my
19 dock and I saw the man come out and place the speed
20 limit buoy for this area back here about three or
21 four years ago, maybe five, whatever. It was long

1 enough, it was long enough ago that I recall it and
2 I thought --

3 THE CHAIRMAN: Sir, we'd like for you to
4 try and summarize it and maybe in a --

5 MR. KLING: Just go -- we know the
6 history.

7 MR. TAYLOR: I'm so sorry.

8 (Discussion held off the record.)

9 MR. TAYLOR: I'm a 108 years old now.

10 THE CHAIRMAN: You're looking very good,
11 by the way.

12 MR. TAYLOR: All right, here's the
13 bottom line. I don't think that speed, we got a
14 lot of erosion going on, I don't think speed and
15 erosion are necessarily connected. You can't
16 regulate the erosion by regulating speed. The
17 slower you go lots of times, as somebody said
18 you're going to have a bigger wake than somebody
19 speeding around. So, you know, the erosion is
20 taking place on my property and everything else
21 probably comes more from the volume increase over

1 the years, more and more boats and all that.
2 Here's my point: That 250 feet is really less than
3 that because there are shallow lands, you can't go
4 right up to the shoreline, you can't ski next to
5 the shoreline, you can't do anything next to the
6 shoreline. There is therefore a very narrow band
7 of traveled space in here, and what we're doing is
8 dooming anybody who skis around there and comes
9 down through here and makes a big turn around and
10 comes back. He can do it if he's all by himself,
11 but if you have a kayaker, a canoe, a swimmer, a
12 walker, another ski boat, and it's very common for
13 ski boats to be in tandem, one will be turning
14 around and another one is coming in, they pass each
15 other, it is impossible, because of the physical
16 distance it is impossible for that to be legal
17 because they have to have at least a hundred feet
18 to pass one another.

19 My only suggestion here is not to
20 eliminate skiing on this body of water, but I'm
21 suggesting that this area in this narrow little

1 channel be the demarcation rather than here. If
2 you were physically there as Bob Lunsford was and
3 you look at it, you'd say this is the place where
4 it ought to have been. When I was on my dock I
5 thought that's where the guy was going to put the
6 buoy for the speed limit because it makes sense.
7 It makes no sense to make it impossible for skiers
8 to honestly go in and out of here, pass one another
9 and be legal. Just do the math.

10 Talk about kayakers and talk about all
11 the other -- this little community up here has
12 developed enormously, there's lots of new kayakers
13 and canoers, there's these guys with the paddle
14 boats, what do you call them, the surfboards and
15 ski boats and them just don't do anything. Thank
16 you.

17 THE CHAIRMAN: Thank you, sir, we have a
18 question.

19 MR. DWYER: Would you consider
20 shortening the length of your pier so the ski boats
21 would have more room?

1 MR. TAYLOR: It is not the pier. I do
2 have some pictures of some events right here. I
3 mean I've called DNR, I love DNR, they are on my
4 cell phone, I can go to them right away and I
5 realized after I did it a couple of times that the
6 lady says what's the problem, and I said well,
7 they're massing one another, there's an overturned
8 boat, which there was, the Jet Skiers were going
9 around them in circles, you need to get somebody
10 out here, we'll be out in 45 minute, realize that
11 DNR when they get there they don't see the speeders
12 and they don't see the close passing, they don't
13 see any of that, because it's all passed.

14 THE CHAIRMAN: We have another question.

15 MR. KLOOSTRA: So my question is are you
16 for or against it?

17 MR. TAYLOR: I am absolutely for it, it
18 needs to be there.

19 MR. KLOOSTRA: Okay.

20 MR. TAYLOR: We set them up to fail by
21 misplacing, it's all it is, just a misplacement of

1 the speed limit. You should have been up there
2 instead of, well, this is 300 feet, see, that's
3 legal, 250 is not, that he can't pass, it's as
4 simple as that.

5 THE CHAIRMAN: We're going to take our
6 pointer back, sir.

7 MR. TAYLOR: Bob gave it to me.

8 MR. LUNSFORD: I'm watching him, I know
9 where he lives.

10 THE CHAIRMAN: Thank you. Are there any
11 other questions for the gentleman? Okay, thank you
12 very much, sir. Now, we have --

13 MR. MARSH: Before we move on, is there
14 anybody else in support that hasn't signed in?
15 Okay, those against, Ronald.

16 AUDIENCE MEMBER: Ron said he had to
17 step out, but wanted to put his word in that he
18 opposed the speed limit.

19 THE CHAIRMAN: Thank you.

20 MR. MARSH: Kristina Dean.

21 MS. DEAN: I'm not a homeowner on that

1 creek, my in-laws are though, they've lived on the
2 creek for 30 years. For the past 24 years I've
3 been a skier on that creek so I'm very familiar
4 with that area. And it is true, that is a great
5 turnaround area and I can say in all the years I've
6 been skiing there, I have never felt unsafe, and I
7 have two little girls now that ski and tube there
8 on weekends frequently too and there's not that
9 much boat traffic there that I've ever felt there
10 was a danger as to where the speed limit is located
11 right now. So I would be against moving it and my
12 in-laws as well, who I will say they had no idea
13 this hearing was taking place until two days ago,
14 as well as some other neighbors. They're not
15 really on the Internet so they're not really aware
16 that things are going on, so they were pretty
17 shocked that there was a hearing and that it was
18 down here and they couldn't attend. I did tell
19 them that I would speak up for them that they are
20 opposed to it as well.

21 THE CHAIRMAN: Thank you.

1 MR. MARSH: Mr. Milan.

2 MR. MILAN: No, sir, I stand at ease, or
3 I sit at ease.

4 MR. MARSH: Okay, sir. Anybody else
5 that wants to speak against?

6 MR. HATCHER: May I, sir, just a minute?
7 Charles Hatcher, I'm not familiar with the area,
8 but I am an avid waterskier and the thing with avid
9 waterskiers, they don't like wakes, they respect
10 the other avid waterskiers out there. In fact,
11 they'll take turns in terms of where the good water
12 is. In terms of turnaround, if you have other
13 boats in the area and you still want to ski, if you
14 tighten that turnaround area down, well, that means
15 you have to turn around somewhere else in the case
16 of Cuckold Creek or you have to drop your skier,
17 and if you drop your skier so you can go back the
18 other way, you're exposing that skier to other
19 vessels, which might present a safety hazard.
20 Thank you, sir.

21 THE CHAIRMAN: Thank you for your

1 observation.

2 MR. MARSH: Is there anyone else to
3 speak against?

4 MR. MILAN: Yes.

5 THE CHAIRMAN: Are you against or in
6 favor of it?

7 MR. MILAN: Yes, I'm against it, but I
8 also have experience on that creek, I'm against the
9 speed limit. I'm related to her, my extended
10 family lives there, I've waterskied there hundreds
11 of times. I will say that until the data suggests
12 that it's unsafe --

13 THE CHAIRMAN: Please state your name.

14 MR. MILAN: Lance Milan -- until there's
15 data to suggest that it's unsafe, boating
16 accidents, you know, the people out there
17 waterskiing saying it's dangerous for them to
18 waterski there, you can't pass regulation and
19 change things for them, or against them, without
20 them having their voice in it. Has anybody run
21 into his dock? I don't know, maybe has, I haven't

1 heard of it. The waterskiers are the one that are
2 putting themselves in peril if it's so dangerous
3 there, which I don't feel it is, I've skied there,
4 I just don't see one person's opinion being able to
5 put a regulation in to hurt so many people in their
6 recreational activities.

7 THE CHAIRMAN: Thank you for your
8 opinion, sir. Any questions for him? Do you have
9 a --

10 MR. MYERS: I'm against, but I'd like to
11 speak and put my name on the record.

12 THE CHAIRMAN: You're against but you
13 didn't put your name on --

14 MR. MYERS: Not yet, no, sir.

15 THE CHAIRMAN: Okay, go ahead.

16 MR. MYERS: My name is Robert Myers and
17 I think I'll be visiting your creek to waterski, I
18 haven't been over there yet. But I want to amplify
19 what these folks are saying and just put my name in
20 the record as being against the proposal for the
21 speed limit.

1 THE CHAIRMAN: Thank you.

2 MR. MARSH: Thank you, sir. How about
3 the officer that patrols that area, would you like
4 to speak, sir?

5 CPL. MARTIN: Good afternoon. I'm
6 Corporal Martin with the Maryland Natural Resources
7 Police. I'm assigned to Anne Arundel County, I
8 previously was assigned to this river and now I'm
9 up in Stony Creek and the Patapsco. I actually did
10 interview a few people who actually were
11 waterskiing in this area and they did express a
12 concern as far as moving the speed zone outward,
13 that they would have to turn around sooner, and I
14 actually talked to a homeowner who lived along that
15 shoreline, he also expressed that same concern.
16 Right now they go in that little area, then turn
17 around and come back out. Granted, they cannot
18 pass each other doing that because it's not wide
19 enough. He expressed concern that if the people do
20 turn around at the new spot they were going to put
21 more wake on his dock, that was his concern and the

1 skiers' concern was the same thing, but from a
2 safety point of view if you had a lot of boats, and
3 we occasionally do have a lot of boats, waterskiers
4 and tubers and whatnot, they can't turn around at
5 the current zone together. One would have to turn
6 around before they got in there and the other one
7 would have to go in and turn around, they couldn't
8 do it simultaneously.

9 Moving it out would make it a little
10 safer because they'd have to turn around before
11 they got to the narrow spot. When I first worked
12 that area I actually had to take the laser out and
13 do the distance because it didn't look wide enough
14 for the boats to pass in there and when I did a
15 laser I realized it wasn't wide enough for them to
16 go into there.

17 I have no opposition to moving the zone,
18 it will really not affect us as far as violations
19 because we don't get that many violations of
20 distance. We get a lot of violations in that area
21 of people not having an observer and those kind of

1 violations and violations unrelated to boating
2 activity, related to fishing and crabbing and
3 licensing and those kind of things.

4 MR. MARSH: Questions for the corporal?

5 MR. DWYER: Have you actually issued any
6 citations for two boats trying to pass each other?

7 CPL. MARTIN: I have not, I'm not sure
8 if anyone has.

9 MR. DWYER: Normally skiers will police
10 themselves. If it's crowded you don't want to ski.

11 MS. TROVATO: Have there been any
12 accidents in the area?

13 CPL. MARTIN: I wasn't there this
14 summer, I was in the Coast Guard, I got activated
15 for the oil spill. They had an overturned sailboat
16 and that was essentially a day sailer that blew
17 over in the wind. There weren't any boating
18 accidents over this summer, we've had boating
19 accidents before that weren't serious, I don't
20 believe there are any fatalities in this particular
21 creek.

1 THE CHAIRMAN: Thank you very much.
2 That's going to conclude the hearing this morning,
3 this afternoon now. We're going to break for a
4 30-minute lunch and we will reconvene hopefully
5 around 1:30. Any of you that are in the audience,
6 you're welcome to come back at 1:30. If you wish
7 to hear our deliberations at that time, discussion,
8 you're welcome to do it. I will restate, however,
9 that you'll only be here as an observer and you
10 will not have an opportunity to speak. And on that
11 we break for lunch.

12 (Luncheon recess.)

13 THE CHAIRMAN: Take your seats. If
14 you've finished your lunch, we're going to
15 reconvene our hearing and we're going to start our
16 first discussion concerning St. Leonard's Creek.

17 MR. McLEAN: Mr. Chair.

18 THE CHAIRMAN: Yes.

19 MR. McLEAN: For purposes of generating
20 discussion I'd like to make a motion there be no
21 change on St. Leonard's Creek.

1 MR. MARPLE: I second that motion.

2 THE CHAIRMAN: Do we have any
3 discussion?

4 MR. KLING: Well, could I -- I would
5 just like to offer, these are five pictures, five,
6 four, some, four pictures that I took and I want to
7 pass around, I'd like to comment on them.

8 MR. KLOOSTRA: You made those
9 photographs?

10 MR. KLING: I made those photographs. I
11 made the photographs, it was --

12 MR. KLOOSTRA: When you said you took
13 them, I thought maybe you took them from him.

14 MR. KLING: I took the photographs and I
15 printed the photographs and I just --

16 (Discussion held off the record.)

17 MR. KLING: Thornell and Amy and Bob and
18 I went down. And what these show to me, I've never
19 seen a more erosion-proof creek from the standpoint
20 of boat wake. Yes, there's erosion going on on the
21 banks, but there is, and it's in the report,

1 there's a shelf, a layer of rock at water level,
2 and that's basically what these pictures show.
3 When we first went into the creek we thought it
4 looked like bridge rubble. We went in, if you
5 haven't been down there, you go to the northwest
6 side of the creek, it looks like, you know, a
7 sloppy riprap job with a broken up bridge and then
8 you look at it more carefully you realize it's
9 stone, and it must have a slight grade to it
10 because it's lower on the southeast side of the
11 creek. But there's, it's geological riprap and
12 yeah, there's bank erosion going on and I'm sure
13 there's some cases where there had been -- I mean
14 yes, there are trees down, but the trees, that's,
15 you know, erosion goes on everywhere. And these
16 pictures I think show both the natural rock and in
17 other places you've have got a shelf and there's
18 grass and stuff growing on them, so in all the
19 creeks I've been on, I've never seen one where boat
20 wake erosion was a less credible issue than this.
21 That would be my comment.

1 THE CHAIRMAN: We're going to pass them
2 around to the other side. Yes.

3 MS. TROVATO: I went and visited this
4 creek with Bob and Coles and this is a very large
5 creek, there is a lot of room in this creek from
6 the perspective of many possible uses of the water,
7 and while I, you know, share the concern of the
8 folk who live there about perhaps the noise or the
9 excessive speed, in terms of the use of the river
10 by the skiers and the kayakers and the tubers and
11 everybody else I have to share the concerns, or
12 share the opinions of those who were opposed in
13 terms of making sure that this water is available
14 to everybody and not only to the folks who live
15 there. And so given the size of this water body
16 and the fact that there have been no accidents and
17 the number of folks generally opposed to, I would
18 support the motion.

19 MR. SIMON: Say that again, I can't hear
20 you.

21 MS. TROVATO: I would support the motion

1 on the floor.

2 MR. SIMON: Which is what?

3 MS. TROVATO: No change.

4 MR. PARLIN: I too support the motion
5 not to put a six-knot zone on this river, on this
6 creek. I've been there before, it is a large body
7 of water. I too am concerned about shutting this
8 waterway down to everybody. Again, like a lot of
9 other creeks we worry about shutting this one down
10 and pushing the waterskiers and the tubers to other
11 bodies of water and that domino affect. And I
12 think there may be a speed issue looking at some of
13 the pictures of the close passes with some of the
14 high speed boats, that may be an issue. I think
15 possibly if they did something similar to like a
16 Severn River management plan type thing approach,
17 you know, maybe a 35-knot zone or speed limit might
18 help curtail and give the officers some bite to
19 where they could issue tickets, but right now, I
20 don't think that's, you know, it's not the proposal
21 so I would say I support no change currently.

1 MR. JONES: I went to all three of these
2 creeks with Laurel Crawford and got a much better
3 understanding of erosion from the boating as
4 opposed to from the weather, and the indications --
5 oh, Laurel Crawford, she's the one who gave us all
6 of these shoreline --

7 MR. LUNSFORD: Shoreline erosion.

8 MR. KLOOSTRA: The wake erosion expert.

9 MR. JONES: Yes. And in the process I
10 learned a lot more about the signs of erosion from
11 boats and in all three of these creeks there are
12 plenty of signs that boats are not eroding the land
13 and that the erosion is there primarily from the
14 weather and from the fact that trees fall down and
15 shade the land and so the grass doesn't grow that
16 would protect the land from eroding. So I would
17 have to say that I'm in favor of the proposal.

18 MR. DWYER: Thornell, I've been telling
19 you that for years.

20 MR. JONES: I knew you'd add something
21 sparky.

1 MR. DWYER: I would just like to say
2 that I agree with Ramona, it's one of the biggest
3 creeks on the bay and I see there's plenty of room
4 for everybody to use it.

5 MR. KLOOSTRA: So I want to talk about
6 the go-fast boats. If you're out in the creek in a
7 kayak or something and you hear that roar and that
8 rooster tail, I'm calling for a new diaper. That's
9 scary, it's very scary. And I think maybe -- I was
10 talking to the guys here about when I lived in
11 Annapolis, on the Fourth of July they shut down
12 Eastport. You couldn't, you couldn't go anywhere,
13 it was nothing happening on the Fourth of July,
14 they would just fill up with cars, we would either
15 decide to stay home or we decided to go away for
16 two days, and I think that if there's, if there's
17 even four events at Vera's, from an educational
18 standpoint somebody should let everybody know this
19 is going to be happening on Saturday afternoon, so
20 that you would, if the go-fast boats are the
21 issues, then, you know, I'll keep my kids in on

1 that afternoon.

2 I'm also wondering about the, there's
3 two markers in the creek, a green can and then
4 another, either a no wake zone buoy or something,
5 but are those DNR buoys or are they private buoys?

6 MR. LUNSFORD: I'm only speaking to the
7 caution, you're responsible for your wake buoys,
8 those are ours.

9 MR. KLOOSTRA: So that green can is --

10 MR. LUNSFORD: It could be, I just never
11 checked with hydro to tell whether it was ours.

12 MR. KLOOSTRA: It doesn't show up on the
13 chart.

14 MR. GAUDETTE: Is it an actual can?

15 MR. KLOOSTRA: Yeah.

16 MR. GAUDETTE: It's probably not ours.

17 MR. KLOOSTRA: And then the one picture
18 where we saw this lady out with a rowing shell, my
19 wife rows and she's rowed competitively for years
20 and she rows at dawn and there's nobody out there.
21 They're similar to the skiers, they want flat

1 water, and I would say that she chose a bad time to
2 go out on the creek, so I'm in favor of the motion.

3 MR. PARLIN: I want to add one thing I
4 forgot also, my other concern was echoed by a
5 number of folks in the audience, the economic
6 impact. If you shut this river down, business goes
7 down for Vera's, you know, and the domino effect
8 that comes from that, so I'm concerned about that
9 economic impact.

10 MR. FERMAN: I've lived in a community
11 for 20 years on the South River, we have about
12 three and a half miles of shoreline and every year
13 we lose a considerable amount of that to erosion,
14 but erosion, in the entire community we've never
15 had a call for controlling boat speed on the South
16 River, it's been weather related, and we erected a
17 shoreline for about a thousand feet, we'll do some
18 more work, but I've never heard a call for
19 patrolling boats being on the South River.

20 MS. TROVATO: I wanted to echo Chris's
21 thoughts about something similar to the Severn

1 River Management Area where they have the 35/25
2 there and, you know, I live in an area smaller than
3 St. Leonard's Creek and we have tubers,
4 wakeboarders, waterskiers, kayakers, canoers,
5 windsurfers, it's all happening at once, except the
6 go-fast boats, and it's all fine and things work
7 out. So if the residents there who are so
8 concerned about the safety issues, if, as Ken said
9 it is the safety, the go-fast boats are the issue,
10 and I would too be scared if I was in a kayak and a
11 go-fast boat steamed past me at 50 knots, maybe
12 that's a direction that they need to start looking
13 to see if that is their issue, and I know one of
14 them mentioned that his real concern is what's
15 going on at night and are they even going to see
16 the light on the top of the mast as they're zooming
17 down the creek. So I think while I continue to
18 support the motion, perhaps that's a direction that
19 they may wish to think about if that is indeed a
20 safety concern out there.

21 MR. MARSH: I just had one comment. I

1 did have a chance to visit that beautiful creek and
2 I just, there was only one waterman up there who
3 shared some concern about getting out for his
4 activity, and of course Vera's a vital part of that
5 community, the economic scene of that community,
6 and I don't know how many of you'd drive away if
7 you had to start taking 30 minutes or 25 minutes to
8 go to Vera's. So I would support the motion that
9 we -- as stated.

10 MR. SIMON: I didn't hear you.

11 MR. MARSH: I would support the motion,
12 Al.

13 MS. ALLISON: I too am in support of the
14 motion, but I agree with Ramona, we need to think
15 about addressing boats, particularly if they're
16 running two or three wide that are doing 60, 80
17 miles an hour, and I think that's something we need
18 to really review and start to consider some kind of
19 waterfront program that you're after, you're after
20 the culprits, you're not after everybody.

21 MR. KLING: Okay, two points. One, I

1 think we need to step back and look, the proposal
2 is a speed limit for boats 23 feet and above, so we
3 wouldn't be shutting the river down to skiers. I
4 support the motion, but I just, let's look at the
5 right picture. Yes, there's ski boats over 23 feet
6 long.

7 MS. TROVATO: Most of them.

8 MR. KLING: I understand, but the
9 petitioners, it wasn't a one size fits all
10 petition, that's all. The other, the other point,
11 to the extent that this is, there are poker runs
12 coming up that river I think that may be, we talked
13 about this in general terms five years ago, didn't
14 do anything, and I think a bigger picture might, at
15 some point we might need to look at the issue of
16 poker runs, whether it be regulatory or
17 educationally, because I've been overrun by a poker
18 run at Tred Avon River and but for dumb luck, if it
19 had been an hour later there would have been 50 or
20 60 small sailboats, many of them with little kids
21 coupled with a lot of canoes out in that river when

1 65 boats came flying into the river and stopping
2 right at the mouth of the creek, it was -- you
3 know, a poker run is fine out in the Choptank, fine
4 out in the outer Tred Avon, but I thought it was
5 irresponsible up in the river, and if that kind of
6 thing is going on here, I don't think the six-knot
7 speed limit is the way to do it, maybe coming down
8 on poker runs and, I don't know exactly how they
9 do, but hey, you know, stop out there.

10 MR. PARLIN: Real quick, you mentioned
11 the watermen, didn't Betty Duty have a comment to
12 add? I just wanted to --

13 THE CHAIRMAN: Yes. Does anyone else
14 wish to speak while I'm looking for that comment?

15 MS. CRAIG: I would like to say at this
16 point I am in favor of the motion to limit -- to
17 not limit the six miles an hour, and in regard to
18 the one size fits all with the six miles an hour, I
19 think we're going too far too fast at this point
20 with six miles an hour and that if at a later date
21 we decide to review the Severn Management and

1 possibly apply that here or if we just somehow
2 regulate how these poker runs are done so that
3 notice is given to the Natural Resource Police so
4 that they can be aware and possibly enforce a
5 little better, regulate the runs.

6 THE CHAIRMAN: Yes.

7 MR. KLOOSTRA: On that, assuming,
8 assuming that the go-fast boats are the real fly in
9 the ointment, I'd like to submit an amendment to
10 the motion because -- back up. We can't come back
11 for three years if we -- if we follow the motion
12 that's on the table right now, then they're stuck
13 for three years to deal with the, with the
14 situation. So I'm suggesting that we might have an
15 amendment to the motion that would allow the
16 community to address the go-fast boat issues by
17 itself without having to wait for three years.

18 THE CHAIRMAN: Okay. One second.

19 MR. SIMON: And we --

20 THE CHAIRMAN: Wait a second. You have
21 an amended --

1 MR. KLING: You need a second.

2 THE CHAIRMAN: Are you seconding?

3 MR. McLEAN: I second it.

4 MR. KLOOSTRA: He seconded it so it's on
5 the table.

6 THE CHAIRMAN: Al, do you have something
7 you want to say?

8 MR. SIMON: I have a question of the
9 motion. You're talking about they couldn't go back
10 for three years, can we, do we have the authority
11 to put this --

12 THE CHAIRMAN: An exception.

13 MR. SIMON: The committee recommend
14 bring it up a year from now.

15 THE CHAIRMAN: Just a second, Al.

16 MR. LUNSFORD: Just for clarification,
17 that three year is a Boat Act Advisory Committee
18 policy, it is not codified by the department in any
19 way. We supported your recommendation when you
20 adopted that, but if -- that's at the discretion of
21 the committee whether or not they want to alter

1 that policy on a case-by-case basis.

2 MR. SIMON: Can I, am I improper to make
3 a motion at all on that, temporary experimental
4 basis for one year rather than --

5 MR. KLOOSTRA: We can only discuss one
6 motion.

7 THE CHAIRMAN: There's one amendment on
8 the table right now.

9 MR. SIMON: I'd like to discuss it.

10 THE CHAIRMAN: You want to discuss it.

11 MR. JONES: I think that the board has
12 from time to time said we'll do this and then we'll
13 look at this again in a year. If we want to we can
14 do that, we don't have to make it part of the
15 recommendation.

16 THE CHAIRMAN: Do you have a comment on
17 that?

18 MR. DWYER: Yeah, I'd like to know what
19 the amendment is. I thought Ken just said it was a
20 deal with the go-fast boats, what's, what is the
21 amendment?

1 MR. McLEAN: Something more specific.

2 MR. DWYER: Something more specific.

3 MR. KLOOSTRA: The amendment was to
4 approve the motion with an amendment that excludes
5 the addressing of the go-fast boats next year or
6 sooner than the three-year period so that they
7 can --

8 MR. DWYER: For clarification, we really
9 don't have to do that, we don't need that amendment
10 in there because we can do it.

11 MR. KLOOSTRA: If -- well, we have to
12 have some kind of an amendment besides just saying
13 we're not going to change anything.

14 MR. DWYER: We're not going to change it
15 this year, if that's the motion right now. Is it
16 okay if I talk to him for a minute to get him
17 clarified or --

18 THE CHAIRMAN: Yeah, you're recognized
19 for one minute.

20 MR. DWYER: I don't think we need to go
21 through and add all this stuff to it because if we

1 vote on the motion as it, it was presented we're
2 going to vote yea or nay and we can do whatever Ken
3 wants to do next year or six months from now if we
4 want to, am I correct?

5 MR. LEVITAN: An amendment would put it
6 on the record to bring it up in a year.

7 MR. KLOOSTRA: Also we could bring it
8 up, but the community is stuck under the three-year
9 rule.

10 MR. DWYER: No, no. It's a, it's not a
11 rule, it's just a policy.

12 THE CHAIRMAN: Go ahead.

13 MR. KLING: I just have a question for
14 one or both of the Bobs. What would be the chances
15 of getting, if we ask the NRP down here to kind of
16 monitor poker runs and give us a report after next
17 summer as to the, kind of subjective eyes on the
18 poker runs in terms of numbers and speed activity,
19 is that --

20 MR. SIMON: Bring it back this time next
21 year?

1 THE CHAIRMAN: Just a moment. Yes, Bob.

2 MR. LUNSFORD: I think Lieutenant Vernon
3 would probably entertain such a motion, the problem
4 is without previous notice of poker runs, because
5 they're not required to register with the
6 department, they can take place and we would not
7 know until after the fact, so he may not be able to
8 present you with a complete picture at the end of
9 the year, but we can certainly ask them to see if
10 they can plug in and do some monitoring, but again,
11 since they're not required to register he may or
12 may not be able to comply.

13 MR. KLING: But I'm guessing the
14 powerboat association has like a newsletter or
15 website that -- because the participants know.

16 MR. LUNSFORD: There's more than one.

17 MR. GAUDETTE: I know they are required
18 to register, most of them register with U.S. Coast
19 Guard if it's a race. For the runs, even the runs
20 will go, I've called them on it.

21 MR. LUNSFORD: Okay.

1 MR. GAUDETTE: So we could ask the Coast
2 Guard if they have any that come in and register
3 they would contact us, we can certainly do that.
4 Occasionally monitor, there's what, four or five
5 sites that post poker runs around the state, around
6 the bay, and we can try to provide them with some
7 assistance to maybe do a closer monitoring of that
8 situation.

9 THE CHAIRMAN: Quickly.

10 MR. KLOOSTRA: I'm withdrawing my
11 amendment.

12 THE CHAIRMAN: I wish to make a comment
13 concerning your withdrawal.

14 MR. KLOOSTRA: Yes, sir.

15 THE CHAIRMAN: All right. Even though
16 the amendment, I'm sorry, even though the motion is
17 for no action, however, if in that we have the
18 amendment on it that says however we recognize
19 there may be a problem in such-and-such an area and
20 therefore we are going to review it or we're going
21 to entertain or you can come back to us within one

1 year.

2 MR. SIMON: I don't think they have to
3 come back. Do we have to make a motion to bring up
4 before the committee from the report from DNR this
5 time next year without having a hearing?

6 THE CHAIRMAN: A hearing, would that do?

7 (Discussion held off the record.)

8 MR. SIMON: You want to make that a
9 motion?

10 THE CHAIRMAN: Well, we have one motion.

11 MR. KLING: We have a motion on the
12 table that was withdrawn, that was the amendment.

13 THE CHAIRMAN: Do we have another
14 amendment?

15 MR. KLING: No, a motion.

16 THE CHAIRMAN: A motion on the table, if
17 we don't hear any more discussion.

18 MR. McLEAN: A couple of comments, I
19 have boated on St. Leonard's Creek, I've visited
20 with Bob, I've visited Vera's quite a few times,
21 I've waterskied on St. Leonard's Creek. It has

1 gotten more congestion, that's for sure. One of
2 the things that the committee may want to consider,
3 the reason that the Severn River and South River
4 have a 35-mile-an-hour top speed limit is because
5 of congestion, which is in reference to safety, et
6 cetera, et cetera, et cetera. What they go after,
7 I'm very close to the NRP, they go after the go-
8 fasts so you're not sitting there in your sailboat
9 or your rowboat or you've got your kids out there
10 and whatever and maybe some guy goes past you a
11 hundred miles an hour and you need to change your
12 diaper. That's the reason they went to the
13 35-mile-an-hour speed limit at all times, maximum,
14 so those guys who have those go-fast boats, when
15 they come on the river they slow down to 35, and
16 those are the ones they go after. If you happen to
17 have a Jet Ski and it goes 40, they generally do
18 not chase you, they go after the big guys. It's
19 something that the committee may want to consider
20 here for St. Leonard's Creek, is to make it a
21 maximum 35 miles an hour at all times, which takes

1 care of the go-fasts. And by the way, the boat I
2 don't know if it was the video or the slide, the
3 Chaos boat is owned by Vera's and I am told --
4 that's correct, right, it's owned by Vera's? -- I
5 am told, I don't know if it goes 160, that sounds
6 awful damn fast, I've been on a go-fast.

7 MR. MARSH: It goes a hundred.

8 MR. MCLEAN: I've been on one that goes
9 125. In any event, I'm told when he goes his 160
10 or whatever it is he contacts the DNR and asks them
11 to make sure the runway is clear and then he goes
12 zooming by and waves to everybody and everything's
13 cool. I don't know if that's true or not, that's
14 what I heard. Anyway, if the committee wants to
15 consider a 35-mile-an-hour speed limit at all
16 times, whether it's a poker run or Chaos, whatever,
17 slow them down, they can get in and out of Vera's,
18 nobody will be impacted.

19 THE CHAIRMAN: Are you making that --

20 MR. McLEAN: No, I'm just offering that,
21 if there is consideration by the committee to do

1 that, I'm willing to amend my motion.

2 MR. SIMON: So is that --

3 MR. McLEAN: I'm just offering it up as
4 a suggestion if anybody wants to comment.

5 MR. LEVITAN: Let's vote on the motion
6 and then if you want to bring up another motion on
7 this 35 mile an hour.

8 MR. SIMON: Are you accepting my motion?

9 THE CHAIRMAN: We have a motion right
10 now to take no action and we have had a second, we
11 have also concluded the discussion on that, on that
12 motion.

13 MR. JONES: Once we vote you can't
14 consider the comment.

15 MR. LEVITAN: Bring up another motion.

16 THE CHAIRMAN: You can?

17 MR. LEVITAN: Sure.

18 MR. KLOOSTRA: Call the question.

19 THE CHAIRMAN: Everyone, we're calling
20 the motion now and we can go forward. Those in
21 favor of the motion.

1 (Show of hands.)

2 THE CHAIRMAN: Those opposed. Okay.
3 The current motion is carried. Now, do you have --

4 MR. DWYER: I have just want to make a
5 little bit of discussion on the 35-mile-an-hour
6 speed limit, you want to do, discuss that now? If
7 not --

8 THE CHAIRMAN: Go ahead.

9 MR. DWYER: I was involved with the
10 Severn River and the Magothy and all that when it
11 went to 35. It's a good idea, I'd like to see the
12 statistics of how many tickets have been issued for
13 over 35 miles an hour, because I'll bet it is few
14 and far between. The boat -- there's not that many
15 boats percentage-wise, I bet there's not 10 percent
16 if that, maybe 5 percent that can do over that. Is
17 it 35 miles an hour or 35 knots?

18 MR. LUNSFORD: 35 knots.

19 THE CHAIRMAN: Knots.

20 MR. DWYER: So we're up to 42 miles an
21 hour or something in that neighborhood. There's

1 not that many boats that can do it, and I'm not
2 sure adding the legislation is going to make that
3 much difference. Doesn't matter to me either way,
4 I'm flexible on it.

5 MS. ALLISON: I could see 35 miles, 35
6 knots during the daytime, Saturdays, Sundays and
7 holidays, and 25 at night. Which is pretty much in
8 compliance with what the Severn River is and then
9 if it -- somebody can come back and challenge it if
10 it doesn't work.

11 MR. DWYER: Mine is not a motion.

12 THE CHAIRMAN: Are you making a motion
13 to that?

14 MS. ALLISON: I will make a motion to
15 that.

16 MR. LEVITAN: I'll second.

17 THE CHAIRMAN: You second it.

18 MR. McLEAN: Mr. Chair.

19 THE CHAIRMAN: Yes.

20 MR. McLEAN: I'm active on the South
21 River a lot where the 35 miles an hour exists and

1 we do get, I wouldn't say every week, but frequent
2 poker runs that come into Mike's by the bridge,
3 they come into Mike's and stop there briefly and 15
4 minutes later they leave. Because it's 35 miles an
5 hour speed limit on the river, they come in at 35.
6 I don't clock whether they're doing 32 or 45 or 28,
7 but they're not doing a hundred or 75 or anything
8 that's going to run somebody over in a blink of an
9 eye. It is effective, plus do you get a lot of
10 tickets? No, because it's been there long enough
11 that the guys who run these boats, and we have two
12 at my marina where I'm located and one is a
13 legitimate race boat, it's faster than hell, it's a
14 son of a gun, it doesn't bother him, he goes out in
15 the bay and does his thing, the helmets and
16 headphone, it's the real deal, it doesn't bother
17 him at all. It's 35 miles an hour, probably right,
18 not very many tickets, but everybody knows about
19 it, that's why.

20 THE CHAIRMAN: You wish to -- go ahead.

21 MR. DWYER: I'm in St. Michaels, I see

1 them coming in. Most poker runs all wind up in St.
2 Michaels too. There is no 35-mile-an-hour limit,
3 there's very few boats that do over 35 miles coming
4 in the Miles River. When they hit Tilghman Point
5 and eastern bay, that's a wide river, Miles River
6 is, but they're not doing over 35 coming in,
7 without the regulation.

8 MR. JONES: It's shallow in there in
9 certain spots, I can see why they don't --

10 THE CHAIRMAN: You have to speak loud
11 enough to --

12 MR. JONES: I can see why they don't go
13 really fast going down to St. Michaels because it
14 gets pretty dangerous down in there.

15 MR. DWYER: Not past St. Michaels.

16 MR. JONES: No, on the way.

17 MR. DWYER: No, Herring Island is the
18 only one you have in the Miles River.

19 MR. JONES: That's right.

20 THE CHAIRMAN: Excuse me.

21 MR. KLING: So I'm at this point

1 inclined to vote against the motion. I'm not
2 unsympathetic that maybe that's where we ought to
3 go, but there was, I heard a lot of opposition to
4 doing anything to the river and I think to do this,
5 this was not on the table, we don't know what the
6 public reaction to this would be. I would feel
7 better if we, if we ask DNR to monitor poker runs
8 on the river as best they can, come back to us next
9 year so we might have some data and some
10 information before we do that. That's --

11 THE CHAIRMAN: Bob, what's your reaction
12 to that?

13 MR. LUNSFORD: I don't want to speak out
14 of turn, but we've already got ten speed limit
15 areas on the books for next year, and to ask the
16 Natural Resource Police to monitor things, my
17 experience is they always get a call on another
18 creek, somebody's overboard, somebody's boat's on
19 fire. I've asked them to look at for instance
20 noise stuff on weekends to do noise patrols, they
21 always got called off and said we had more

1 important things to do than monitor noise. I feel
2 if we ask them to monitor poker runs that might
3 happen and they may or they may not, and I would be
4 the backup. If I've already got to be in 10 other
5 creeks, I may not be able to monitor that and the
6 other areas we've got. What kind of information
7 are you looking for?

8 MR. KLING: 12 minutes ago you said
9 yeah, they could do it.

10 MR. LUNSFORD: Well, they would
11 entertain it. I would be interested to see how
12 often they get down there to do it. They may be
13 able to put a reserve officer in there.

14 MR. KLING: If we knew the dates, I
15 mean --

16 MR. LUNSFORD: Absent the lieutenant, or
17 the captain --

18 MR. KLING: Well, I just, I'm not
19 fundamentally opposed to the step, I'm just
20 thinking that we're doing it without information.

21 MR. KLOOSTRA: I agree, because they

1 have not been put on notice. I mean they've been
2 put on notice about maybe going to go to six-knot,
3 but they didn't get notice that we were going to
4 focus on them.

5 MR. JONES: I don't think that, I don't
6 think that counts. I think we're seeing here we do
7 have some information about fast boats and
8 congestion and potential safety issues. I think we
9 can address that, I don't think we need a lot more
10 data. I'm not even sure what kind of data the
11 police would bring us.

12 MR. SIMON: I just wondering whether
13 we're resolving the problem by saying let's look
14 this thing over a year from now.

15 MR. KLING: If we say that, we're going
16 to have the same hearing we had today.

17 THE CHAIRMAN: Right, we're going to
18 have a full house.

19 MR. SIMON: That's what I was trying to
20 avoid, a full house.

21 THE CHAIRMAN: Well, I mean we could not

1 publicize that we're going to do it a year from
2 now, that's the only way to guarantee we don't have
3 another full house.

4 MR. SIMON: Might resolve a lot of
5 problems with the community, with the people that
6 were here today, a year from now we're going to see
7 whether we can make it effective.

8 MS. TROVATO: You know, I really like
9 this idea and I, because I mean we saw that one
10 picture of that go-fast boat speeding past that
11 lady that was sculling and, you know, maybe she was
12 out at the wrong time of the day, but on the other
13 hand, these giant boats shouldn't be running down
14 small boats in that water. So I'm really inclined
15 to this. On the other hand, you know, Delegate
16 O'Donnell said that he was willing to work with the
17 citizens in the area and try and come up with a
18 compromise, something that would address their
19 problems in the long run. Maybe we ask Delegate
20 O'Donnell to proceed down that path and see what he
21 can come up with.

1 MR. KLING: I just, I don't agree with
2 your characterization of the video, I don't think
3 that was a go-fast boat, I think that was a family
4 cruiser going at 15, 18 knots with a tube on the
5 back throwing up a big wake.

6 MR. DWYER: You're talking about the
7 yellow one.

8 MS. TROVATO: Yeah, the yellow one
9 was -- okay, sorry. Same thing though.

10 MR. DWYER: There's no way to tell how
11 fast that boat was going, whether it was doing 20
12 miles an hour or 80 miles an hour.

13 MS. TROVATO: You're right.

14 THE CHAIRMAN: Back now to the original
15 motion we've already voted on.

16 MR. MARSH: Robin has a motion.

17 MS. ALLISON: The motion I have on the
18 table and I think has been seconded it is that we
19 propose a speed limit on the river of 35 knots
20 during Friday, Saturday and Sunday and holidays and
21 25 miles, 25 knots at night.

1 MR. KLING: On Fridays?

2 MS. ALLISON: Friday, Saturday, Sunday
3 and holidays.

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

6 MS. TROVATO: But the motion was for
7 Friday.

8 MS. ALLISON: I can change that to
9 Saturday, Sunday and holidays.

10 MS. TROVATO: I mean the motion by the
11 citizens was for Friday, because they said the
12 problem starts on Friday.

13 MR. LUNSFORD: The request.

14 MS. ALLISON: Right, that's why I had
15 started it that way.

16 THE CHAIRMAN: Do you second that?

17 MR. LEVITAN: Second.

18 MR. KLING: During boating season only.

19 MR. MARSH: Boating season only.

20 MS. ALLISON: Boating season only.

21 MR. KLOOSTRA: Did you want to say

1 something, Bob?

2 MS. ALLISON: We're making this up as we
3 go along, something that the police can absolutely
4 stop somebody for.

5 THE CHAIRMAN: Okay.

6 MR. SIMON: Can I ask a question as a
7 novice?

8 THE CHAIRMAN: Just a second. Bob, do
9 you have a comment to make?

10 MR. LUNSFORD: No, sir. I think I'm
11 caught up, I still have ink in my pen.

12 THE CHAIRMAN: Have we completed the
13 discussion?

14 MR. SIMON: I have a question, just a
15 question. These high speed boats, whatever, aren't
16 they in violation with, most of them have -- on the
17 noise level?

18 MR. KLING: That's not --

19 MR. SIMON: On the South River you can
20 hear it from one end to another.

21 MR. LEVITAN: That's a different issue.

1 THE CHAIRMAN: That's not on the table.

2 Okay.

3 MR. SIMON: Just a clarification.

4 MR. JONES: I'm in favor of that motion.

5 MR. LEVITAN: Call for the question.

6 THE CHAIRMAN: Okay, all those in favor
7 of the motion -- you want to state the motion
8 again?

9 MS. CRAIG: Yes, please. Mr. Lunsford,
10 are you making notes?

11 MR. LUNSFORD: I will state what I have,
12 please correct me if I have copied this wrong. 35
13 knots daytime, 25 knots nighttime, Friday,
14 Saturday, Sunday and holidays during the boating
15 season.

16 MR. DWYER: I thought you took out
17 Friday.

18 MS. ALLISON: Take out Friday.

19 MR. LUNSFORD: Remove Friday, okay.

20 MR. KLING: Do we need something more
21 than daytime and nighttime, do we need more

1 precision than that?

2 MR. LUNSFORD: When I write it I was
3 just repeating it. I hope the committee understood
4 that was --

5 MR. DWYER: Sunrise, sunset.

6 MR. KLING: Sunrise, sunset.

7 MR. LUNSFORD: I will use the definition
8 that we have in the Severn River Management Plan,
9 which is already in COMAR.

10 MS. TROVATO: I just need a
11 clarification from Russ or Bob. What else is in
12 that Severn River Management Plan about 25/35, are
13 there exemptions or anything?

14 THE CHAIRMAN: There are a lot of
15 things.

16 MS. TROVATO: I was just wondering, I
17 think there's exceptions for waterskiers on the ski
18 course --

19 MR. DWYER: Barefoot was the only --

20 MR. LUNSFORD: Did we give a barefoot on
21 the course?

1 MR. DWYER: You didn't do the course
2 barefoot, because most of the barefooting went on
3 in the narrows, that's where most of the
4 barefooting took place.

5 MR. LUNSFORD: I thought 35 knots
6 covered it.

7 MS. TROVATO: Thank you, I'm good.

8 THE CHAIRMAN: Thank you, okay. Okay.
9 Now, we had a motion, we've also had the vote.

10 MR. LUNSFORD: No.

11 MS. ALLISON: No.

12 THE CHAIRMAN: Now we're ready for the
13 vote, okay. Those in favor of the motion.

14 (Show of hands.)

15 THE CHAIRMAN: Okay. Those opposed to.

16 (Show of hands.)

17 THE CHAIRMAN: Those in favor have it.

18 Carried. So now we can move on to the next issue.

19 Okay.

20 MR. MARSH: Cuckold Creek.

21 THE CHAIRMAN: Cuckold Creek.

1 MR. PARLIN: I would like to make a
2 motion.

3 THE CHAIRMAN: Are you two going to
4 fight over it?

5 MR. PARLIN: I'll make a motion there
6 will be no change.

7 MR. DWYER: Second.

8 MR. KLOOSTRA: Second.

9 THE CHAIRMAN: Okay. We have --

10 MS. ALLISON: Third.

11 THE CHAIRMAN: We have a motion with two
12 seconds. Questions?

13 MR. PARLIN: Well, I just want to say
14 the reason for it was obviously there was nobody
15 here supporting the speed limit and quite a few
16 people in opposition, I think that spoke volumes,
17 and again going back to the same problems of
18 pushing the waterskiers out of the area into other
19 areas. That's my reason.

20 THE CHAIRMAN: Yes.

21 MR. McLEAN: I agree with Chris's motion

1 in general. I would like to make one comment on
2 what the officer said, is most of their calls are
3 from, if I got the name right, Blackstone Marina,
4 coming from the wake action coming in and rocking
5 the boats around and getting hurt on boats or
6 bulkheads or pilings, whatever. If we move the
7 speed limits buoy 150 or 200 feet, whatever it is,
8 so that relieves the NRP from all those calls, it
9 might be in everyone's interest to do that, but the
10 general speed limit stay the way it is.

11 THE CHAIRMAN: Bob has a comment.

12 MR. LUNSFORD: I've been up there
13 several times and moving the speed limit to the
14 point below Blackstone Marina essentially doesn't
15 do them any good as far as I can tell. The
16 recreational traffic tends to come up to that speed
17 limit line and slow down and 150 feet isn't going
18 to dissipate enough wake that the people in the
19 marina are probably going to notice much, if any,
20 difference.

21 MR. KLING: I am troubled by the notion

1 that we're going to regulate for somebody that
2 wasn't here, didn't care enough to ask for
3 anything, and I don't think we should put NRP in a
4 position of being messengers for anybody who
5 doesn't care enough to petition.

6 MR. MARSH: Let them come and speak.

7 MR. KLING: They weren't petitioners
8 either.

9 MR. DWYER: As I remember, the one
10 fellow said he lived next door to the marina and
11 had no adverse wave problems.

12 MR. KLING: People violating the
13 existing limit was the problem.

14 MR. DWYER: We don't know if it was the
15 same person calling in twice a week.

16 THE CHAIRMAN: Do we ever any more --
17 call for the question.

18 MR. LEVITAN: Call for question.

19 THE CHAIRMAN: Those in favor of the
20 motion say aye.

21 (Unanimous aye votes.)

1 THE CHAIRMAN: And the ayes have it.
2 Okay. Little Magothy is next. Do I have a motion?
3 MR. SIMON: Is there anybody here for
4 the Magothy on this?
5 MR. KLOOSTRA: The animated guy with the
6 white beard.
7 MR. DWYER: He was on Duracell
8 batteries.
9 THE CHAIRMAN: Yeah.
10 MS. ALLISON: The gentleman in the black
11 jacket.
12 THE CHAIRMAN: Mr. Taylor was his name.
13 MR. DWYER: I'd like to make a motion
14 there be no change.
15 MR. JONES: Second.
16 MS. CRAIG: Second.
17 THE CHAIRMAN: Okay. Call for the
18 question in this.
19 MR. MARSH: Discussion.
20 THE CHAIRMAN: Any discussion?
21 MR. McLEAN: I think we heard, I think

1 we heard a couple of comments of people that lived
2 there and people who waterski there, including
3 visitors, and the one guy I happen to know, who is
4 Lance, who testified in St. Leonard and Cuckold and
5 has I think in-laws that live up there and he
6 waterskis there, the safety is not an issue at that
7 location.

8 MR. JONES: I live in Cape St. Claire,
9 my neighbor said the same thing.

10 THE CHAIRMAN: Okay.

11 MR. KLING: I would say I didn't hear
12 any compelling reason. I have a dock that people
13 go by and that's -- that was I think --

14 MR. MARSH: Any --

15 MR. KLING: No, I mean I didn't hear any
16 particular rationale to do anything.

17 MR. DWYER: Just a little bit of
18 support, the Little Magothy has been a hot spot
19 before this board and it's worked itself out well,
20 it's good to hear there's no problem.

21 THE CHAIRMAN: Okay. Anyone else wishes

1 to say anything?

2 MS. TROVATO: It is a really nice place
3 to ski, it's great calm water when you can't find
4 anywhere else and I have skied on the Little
5 Magothy and I don't think there's a problem either.

6 THE CHAIRMAN: So you're supporting --

7 MS. TROVATO: The motion.

8 THE CHAIRMAN: Of no action.

9 MS. TROVATO: Absolutely.

10 MR. LEVITAN: Call the question.

11 THE CHAIRMAN: All of those in favor of
12 no action raise your hand.

13 (Show of hands.)

14 THE CHAIRMAN: Those opposed. The ayes
15 have it. That completes the three issues on the
16 table.

17 (Discussion held off the record.)

18 (Hearing adjourned at 2:19 p.m.)

19 *****

20

21

1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

2

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

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9 Kelly A. Taylor, Notary Public

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