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MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

IN RE: Martin State Airport/Frog Mortar Creek
Bear Creek
Marley Creek
Furnace Creek

* * * * *

The above-entitled matter came on for
hearing on Thursday, September 16, 2010, commencing
at 10:00 a.m., at the Riviera Beach Volunteer Fire
Department, 8506 Fort Smallwood Road, Pasadena,
Maryland 21122, John M. Bush, committee chairman,
presiding.

COMMITTEE MEMBERS:

Tammy Broll	John Marple
Robyn Allison	Coles Marsh, Vice Chair
Betty Duty	Bob McLean
Russ Dwyer	Edric McSween
John Ferman	Gail Mongan
Thornell T. Jones	Christopher Parlin
Steve Kling	Ramona Trovata
Kenneth Kloostra	Dr. William Weintraub
John Marple	

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

Reported by: Kelly A. Taylor

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

2 MR. BUSH: Good morning, everyone. We
3 appreciate the great turnout that we have here
4 today. It looks like we're going to have an
5 interesting meeting. Haven't seen that many people
6 here since the election. So we're going to start
7 off by introducing the board members and then we're
8 going to call on -- we have an agenda, we're going
9 to start with the airport issue and then we're
10 going to go down the list here, we're going to have
11 people who signed up to testify. You certainly can
12 testify. If there's 10 people who say the same
13 thing you're going to say, we would like you to
14 keep it brief as we can so we can just move along
15 with the opinions.

16 I'd like to request everyone to turn off
17 their cell phones if they haven't already done it.
18 I just turned mine off. Okay. So we're going to
19 start off with the members introducing themselves.

20 (Introduction of committee members.)

21 MR. BUSH: Excuse me, everyone speak up

1 so they can hear you back there.

2 (Introductions continue.)

3 MR. BUSH: Okay. For the new people
4 here, the Boat Act Committee is made up of about 20
5 people so that they'll represent the state of
6 Maryland. So we have people here with various
7 backgrounds, various experiences. I'm the
8 chairman. I've been a past captain of the Coast
9 Guard Auxiliary and I've been boating probably
10 about 50 years and I live in Annapolis.

11 Now, the important thing today like I
12 said is we're trying to move along so that everyone
13 that wishes to speak will have an opportunity. I
14 don't want anyone to leave here feeling they didn't
15 have an opportunity to express themselves. The way
16 that we run our meeting is everyone, after we've
17 gone through with testimony we will break for
18 lunch. After lunch we will convene and we will
19 discuss the pros and cons of each one of the issues
20 and what we will do is, unfortunately, all of you
21 are welcome to be in the room when we're discussing

1 it, but you cannot give us any more testimony, it
2 will be closed for testimony, but you'll be able to
3 hear what each member is saying in reference to the
4 petition. We in turn then will vote normally on
5 the issues and these are then presented to the, I
6 think it's the secretary of the state, that person
7 then reviews our recommendations and then a
8 determination will be made as to whether or not it
9 becomes a new rule. Generally speaking our
10 recommendations with few exceptions through the
11 years have normally been adopted.

12 So we hope that everyone here feels good
13 about the meeting, we want everyone to leave here
14 feeling that they had a good opportunity to express
15 themselves, and everyone here, another thing to
16 keep in mind, the water belongs to everyone in the
17 state. We do have people who unfortunately they
18 move, get a house on the water, they're new to the
19 water environment, the first thing they say is too
20 much noise, I moved here, I didn't want anyone
21 going past my house making a lot of noise in the

1 boat, so in every case remember that the water is
2 for everyone throughout the state to use.

3 Okay, with that I'm going to go to Bob
4 Lunsford here, who's going to start off with
5 discussion concerning the petition of the,
6 concerning the airport.

7 MR. LUNSFORD: Our first area for
8 discussion will be the request by Martin State
9 Airport for a restricted zone in the waters of Frog
10 Mortar Creek off the airport just the north of the
11 runway and with that -- who was going to speak?
12 Shawn Ames will represent the airport and outline
13 the rationale for their request.

14 MR. BUSH: Please identify yourself.

15 MR. AMES: Yes, absolutely, Mr.
16 Chairman, thank you very much. I appreciate you
17 having us here today. Thank you to the advisory
18 committee and also to you, the boating community.
19 I'm Shawn Ames, I work for the Maryland Aviation
20 Administration, a Division of Airport Facilities
21 Planning, and we're here to present what we believe

1 to be a very critical issue, for you all of course,
2 the boating community, but also for us, the
3 airport, for our continued operation.

4 We'd like the next slide, please. The
5 FAA has acknowledged as has the airport over the
6 last 20 or 30 years the importance of the impact of
7 boats on the operation of Martin State Airport. We
8 have worked with the Coast Guard and also marinas
9 over the last 20 or 30 years to establish a number
10 of provisions which restrict operations in the
11 area. The FAA has acknowledged that those
12 practices are no longer acceptable. The FAA came
13 to us recently to identify 50- to 60-foot boating
14 vessels in the area through aerial photography.
15 They've identified that these boats are in the area
16 and they need to be safeguarded against our
17 approaches to the airport. In this particular
18 letter that you see before us, the FAA identified
19 as recent as July 10th of this year that there were
20 issues that needed to be resolved. If you can zoom
21 on that so we can see the text that's highlighted,

1 we'd appreciate that. A little more, please.

2 All right, that's good. Number 1.

3 Those boats with mast heights that penetrate
4 protected air space for the instrument landing
5 system for runway 33 must be prevented from
6 entering the area when aircraft are executing an
7 ILS. Number 2, the control of these boats must be
8 accomplished to the satisfaction of Federal
9 Aviation Administration. And lastly, once an
10 acceptable method of controlling boat traffic is
11 conducted and implemented full ILS to runway 33 may
12 resume. As of recently the FAA turned off one of
13 the components to an instrument landing system.
14 The instrument landing system allows pilots to
15 approach the airport in adverse weather conditions.
16 Without this component, it's referred to as a glide
17 slope, it gets them on course for approach to the
18 airport and on the right glide slope, they cannot
19 approach safely in adverse weather conditions.
20 They have taken away the capability of the
21 operators and we hope to return that to normal

1 service as soon as possible.

2 Next slide, please. Just to orient you
3 with the operation that we have at Martin State
4 Airport, when we refer to the next slide, which
5 will be the solution, runway 33 is down here and of
6 course this is Frog Mortar Creek that we're
7 interested in, the approaches come over Frog Mortar
8 Creek for runway 33 and the departures that we're
9 going to refer to depart off the Eastern Boulevard
10 end and runway 15 out over Frog Mortar creek.

11 Next slide, please. The solution that
12 we've identified for the committee to consider and
13 you being boating community to consider, we've
14 identified your interest in this equation. Points
15 A, B, C, and D represent the area that we're asking
16 you to consider today as the prohibition area. It
17 butts up against what we refer to as the eight foot
18 mean low water tide here that allows vessels to
19 continue to get through that area and have the
20 appropriate depth necessary, particularly for large
21 sailboats. It will get them away from the

1 operation at our airport here, and the elevations
2 for these surfaces rise to get away from the
3 airport, and I'll explain those momentarily. These
4 points, A, B, C, and D, provide the protections
5 necessary for the 60-foot boating vessels to be
6 away from the airport far enough so we can have
7 safe practices and return to normal operating
8 conditions with an ILS again. However, it does not
9 come without consequence, we have to lose 770 for
10 our arrivals approaching this particular airport.
11 That loses landing distance and of course with snow
12 and water we have less distance to land and it
13 requires more braking distance, so that will
14 require some operational adjustments by the users
15 of our airport. This particular procedure was
16 established with the requirements of the FAA. The
17 departure surface is in blue or light blue here and
18 the elevations that correspond go up as you depart
19 the runway, and for the arrival surfaces, they're
20 red, and they go up in elevation as you go away
21 from the runway as well, with the 60-foot line

1 drawn from the departure being at point B on down
2 to the trapezoid and for the arrivals the 60-foot
3 level being at point C down to B. If you connect
4 points A, B, C and D, of course that's where you
5 get our area of interest for the prohibitory
6 consideration today.

7 We have one last thing that we'd like to
8 mention about the slide, which is a localizer. The
9 localizer is proposed to be placed here within the
10 next three to five years. That allows aircraft
11 that are arriving at the opposite end of the runway
12 down by Eastern Boulevard to approach and be on
13 course and it needs to be that distance from the
14 end of the runway because you have to have a
15 600-foot separation between that equipment and the
16 end of the runway to provide the appropriate jet
17 blast necessary if jets of course depart off that
18 end of the runway.

19 That's all I wish to leave you with
20 today. If anyone has any question, certainly I'll
21 be glad to answer them. Thank you for all of your

1 time and consideration. We appreciate that and
2 hope you respect our opinion and of course we will
3 respect yours as well. Yes, sir.

4 MS. DUTY: John.

5 MR. BUSH: Yes.

6 MS. DUTY: I guess my question is, it
7 sounds like you're talking about sailboats with
8 high masts.

9 MR. AMES: Primarily, yes, ma'am.

10 MS. DUTY: We have some commercial
11 watermen who set fyke nets on the slope, the
12 eight-foot slope. I was speaking with Danny Beck,
13 who's president of the Baltimore County Watermen's
14 Association, and he says that --

15 MR. BUSH: Excuse me, they can't hear
16 you in the back, you want to stand up?

17 MS. DUTY: Sure will. Danny Beck is
18 president of the Baltimore County Watermen's
19 Association. He says that during the months of
20 November through March the commercial watermen in
21 that area set fyke nets on that slope, he said it's

1 a good fish catching area. Now, they don't have
2 masts or whatever, and so it is something that we
3 would like to look at for consideration for them to
4 be allowed to continue doing that, and I can put
5 you in touch with Danny and he can explain more
6 what their needs are when we get down to that point
7 to see if we can accommodate the commercial
8 fishermen in that area.

9 MR. AMES: The challenge that we have is
10 that in that location it's going to be difficult
11 for us to, when you have the allowance for other
12 vessels to traverse through that area, what's
13 acceptable and what's not as far as height, and
14 this provides the most assurance for the FAA that
15 we can get the ILS returned to service. It's going
16 to be very challenging for us to control and police
17 every vessel that comes with heights to determine
18 whether or not they're allowable.

19 MS. DUTY: Well, the commercial vessels
20 are pretty easy to control, they can let you know
21 who's there and how many people would be there and

1 the size of their boats. I think it's important
2 that we keep as much area as possible for our
3 fellows to keep on working. A lot of stuff is
4 being taken away all the time with nothing else
5 being provided --

6 MR. AMES: I understand.

7 MS. DUTY: -- in place of. I think this
8 is as large a consideration as, you know, as the
9 other boats, but I just feel that there must be
10 some way that we can accommodate these fishermen
11 that fish in that area, so definitely it's
12 something that we're going to be trying to work
13 with you on.

14 MR. AMES: Okay. Thank you.

15 MR. BUSH: We have another question.

16 MR. AMES: Sure.

17 MR. MARPLE: I see your red cone there.

18 MR. AMES: Yes.

19 MR. MARPLE: Glide path or whatever.
20 How did your -- what would happen with a line to
21 run from A to C, how did you come up with those

1 buoys A, B, C?

2 MR. AMES: A was just a position that
3 was established on the shoreline, but B, however,
4 is the point at which when you have a departure
5 slope, which again is oriented with the aircraft
6 that are departing out over, the slope goes up.
7 This is 20, this is 61.4, it allows for a 1.4 foot
8 rise in the water for a 60-foot vessel to traverse
9 through that point, so when you draw B down to the
10 coastline here, this is the triangle that needs to
11 be protected for the departure, and then the
12 approach is this particular area, and C is the
13 point from C to D that's 61 foot, so you connect A,
14 B, C and D to get that area.

15 MR. MARPLE: Well, they won't be
16 approaching between B and C, will they?

17 MR. AMES: Well, they would be
18 approaching in this area, but the area of most
19 concern for the approach is in the red, and the
20 departure is the blue, so they will be departing at
21 all times over that area.

1 MR. MARPLE: Thank you.

2 MR. AMES: Yes, sir.

3 MR. PARLIN: Actually I have two
4 questions. Do you know the length from point B to
5 point C?

6 MR. AMES: Say again.

7 MR. PARLIN: Do you know what the length
8 is from B to C?

9 MR. AMES: Off the top, I wouldn't want
10 to hazard a guess because I didn't measure that or
11 didn't commit it to memory. It looks to be about
12 500 feet.

13 MR. PARLIN: Second question, Maryland
14 State Police runs a helicopter still out of Martin?

15 MR. AMES: I believe so, yes, they do
16 maintenance, they have a maintenance facility.

17 MR. PARLIN: So if the ILS is shut down
18 then they can't come in if they had --

19 SPEAKER: That's an interesting -- may I
20 say something about that?

21 MR. BUSH: Yes. Will you stand up, sir,

1 and identify yourself?

2 SPEAKER: Yeah. I'm an operator at the
3 airport, and Trooper 2 everybody remembers having
4 an accident at Andrews.

5 MR. PARLIN: Very much so, that's why I
6 was asking the question.

7 SPEAKER: Four hours prior to that on
8 that aircraft I think maintenance was done. The
9 piece of equipment that was in op on that
10 helicopter in Andrews was a glide slope procedure,
11 which is the same piece of equipment that's been
12 disabled at this present time for the last four
13 years. Now, if the operator of that helicopter
14 went in he could have squawked it, had it repaired
15 and the odds are that he would have had that
16 receiver when he went into Andrews. Now, it's not
17 that specific item, obviously it was several items,
18 the weather was down, other things were happening,
19 okay, but it just -- not having this piece of
20 equipment does not allow us to actually check it
21 because we're not using it. And they would have

1 had that opportunity to do that I think. Do you
2 agree with that? I mean you're probably more
3 familiar with it than I am with the whole scenario.

4 MR. PARLIN: Somewhat, that's why I
5 asked the question, whether that was going to
6 create a safety hazard going in and out if they
7 were flying missions, but you did directly tie it
8 to the fact that they probably could have found out
9 that it wasn't working.

10 SPEAKER: Prior to going in. I think
11 that thing just came out of maintenance then.

12 MR. PARLIN: I'm not sure at this point.

13 SPEAKER: It's a shame, but it usually
14 is a group of things that happen that create an
15 accident that's unfortunate. That was out at the
16 time.

17 SPEAKER: And there have been numerous
18 occasions where aircraft operators, particularly
19 the corporate operators and the Air National Guard,
20 have had to resort to using other installations,
21 other airport facilities, because they can't land

1 at this airport because of adverse weather
2 conditions, and obviously that's a detriment to
3 their operation.

4 SPEAKER: Last Sunday, the perfect
5 example, for they're being down. Two months out of
6 the year it's frozen --

7 MR. KLOOSTRA: We can't hear you.
8 Please stand up.

9 SPEAKER: Two months out of year this
10 area is frozen, unless you've got a sailboat with a
11 cutter, ice cutter, so how come we're, you know,
12 being subject to something that we can't have? You
13 see what I'm saying? It just doesn't make any
14 sense to me. It goes for three months, I don't see
15 any sailboats going through, I don't see any
16 traffic going through.

17 MR. BUSH: Okay, thank you, sir. You
18 have one quick question, go ahead.

19 SPEAKER: I do.

20 MR. BUSH: Identify yourself, please.

21 SPEAKER: My name is Brian Schneider,

1 I'm the vice president of the Marine Trade
2 Association of Baltimore County and vice president
3 of the Marine Trades of the state of Maryland.

4 MR. BUSH: Yes, sir.

5 SPEAKER: Do we not have one of the
6 longest runways on the east coast here at Martin
7 Field?

8 MR. AMES: We do have one of the longer
9 runways, but it's not all entirely usable, only
10 less than 7,000 foot is currently usable. The
11 actual runway length itself is 8100 feet in length.
12 The Guard and corporate operators have said that
13 they want as much of that as possible. We want to
14 preserve that as best we can, we wanted to return
15 as much of that to service as quickly as we
16 possibly could, and we're still going to lose out
17 with this particular solution. It's not going to
18 provide the full 8100 foot of runway.

19

20 SPEAKER: But that full 8100-foot runway
21 has not been used, I'm just wondering why you guys

1 have to come out into the water, why can't you take
2 some of that and you still have a very long runway
3 that nobody else in the state of Maryland has.

4 MR. AMES: Because we have a corporate
5 operator and Air National Guard fleet. The Air
6 National Guard themselves requires 8100 feet for
7 their entire mission to continue to remain at our
8 airport. They have to plead their case every time
9 the Air National Guard national folks look at the
10 facilities to see if they feel that they have a
11 viable future and that's one of the things that
12 we're trying to preserve.

13 SPEAKER: We're running high performance
14 aircraft out of Andrews Air Force Base and they
15 don't have the runway that we have here, so that's
16 my concern here.

17 SPEAKER: Well, he explained, he did
18 take, in this proposal, he took away 770 feet off
19 the end.

20 MR. KLOOSTRA: Would you stand up,
21 please? We can't hear you.

1 SPEAKER: He did take 770 feet off the
2 end of the runway. See how it's proposed? So he's
3 shortening the runway.

4 SPEAKER: That 770 foot isn't being
5 totally taken off, half of that is not even in
6 existence, that's land.

7 SPEAKER: All that's gone. That's all
8 in existence today, the end of the runway is right
9 here today.

10 SPEAKER: That's correct.

11 MR. BUSH: Okay. I'm going to make a
12 quick -- do you have a question, sir?

13 SPEAKER: Yes, sir.

14 MR. BUSH: Please identify yourself.

15 SPEAKER: Hank Bryant, just got a
16 question, out in the water there, the proposed
17 yellow, what is that?

18 MR. AMES: The yellow, that's what we're
19 referring to as the localizer platform, and the
20 localizer equipment would be on the end of that
21 platform to provide for the signal to get the

1 aircraft on guidance today. It's in a nonstandard
2 location today, the FAA says that we have to get it
3 at a standard location, and as I said before, to
4 place it here it has to be 600 feet back from the
5 end of the departure end of the runway.

6 SPEAKER: But if you're shortening the
7 runway 770 feet, then it doesn't have to be out in
8 the water.

9 MR. AMES: We can use this end of the
10 runway here for departure but the arrival start
11 here, so 600 feet back from here ends up being at
12 that location.

13 SPEAKER: But not if you give the 770.

14 MR. AMES: Yeah, it has to be 600 feet
15 from the end of the departing -- this is the
16 departing end of the runway, it can remain the
17 departing end in the future, but the landing is
18 here, and we lose 770 from it.

19 SPEAKER: That's to clear the
20 obstruction.

21 MR. AMES: Correct.

1 MR. BUSH: Okay, I'm going to make a
2 quick comment. I'm an ex radar controller at
3 Kennedy Airport in New York, also 11 years flying
4 in the Air Force, I'm quite familiar with the
5 issues here. The thing to keep in mind is that the
6 equipment for the ILS has to be at a certain point,
7 it's kind of standard throughout the world, so that
8 pilots know what they're doing, they can't
9 arbitrarily move it in closer. Another point I'd
10 like to make in reference to the watermen, those
11 boats, the top of those boats are probably not more
12 than six feet high off the water, would you say
13 seven feet at the most?

14 MS. DUTY: Yes, I'm sure.

15 MR. BUSH: Now, with a boat seven feet
16 it's like having a dingy in the water, and I'm just
17 wondering, if you allow the workmen, and this is
18 now getting back to people who are trying to earn a
19 living, we have to be very conscious of it in hard
20 times, and even in good times, that I don't,
21 personally I don't see how that could have any

1 effect on an airplane coming in on that slope. If
2 he's going to be in at that area lower than, than
3 say 10 feet, he's going to crash, so it's not going
4 to work.

5 SPEAKER: Sure.

6 MR. BUSH: So that's the point I'm
7 trying to make here and that's what you were trying
8 to make about the watermen.

9 SPEAKER: Could I say one thing about
10 that? You're absolutely right.

11 MR. BUSH: Please stand up, sir.

12 SPEAKER: Okay. The only difference is
13 that boaters and watermen is all based about local
14 knowledge. It's all about local knowledge. When
15 you come up that creek you know exactly where the
16 sandbars are, you know where the pylons are. When
17 you're flying I don't know what's going on in San
18 Diego, so everything is very regimented, you have
19 to online, it's you get there and you get what you
20 expect. Okay, here it has to be a positive control
21 scenario where you can't have boats coming in,

1 because we tried this with DNR, I think DNR has a
2 facility at the end of the runway and what we
3 wanted them to do is regulate that area just like
4 you said, let the fishermen in, but they're not
5 open 24 hours so we can't afford to have a
6 sailboater moor his boat right at the end of the
7 runway, so there's no positive control and that's
8 what the FAA is asking for, positive control in the
9 area.

10 MR. BUSH: I can understand there being
11 no anchorage in that zone.

12 SPEAKER: But how do you enforce it?

13 MR. BUSH: Well, it is normally enforced
14 throughout the state of Maryland, it's prohibited
15 to anchor, period. Now, I'm not, I'm not pro or
16 con on this, I'm just giving you an opinion from my
17 personal experience and I have no more to say about
18 it. Did anyone else have anything they would like
19 to add?

20 SPEAKER: Yeah, I would.

21 MR. BUSH: We're going to get to you,

1 sir.

2 SPEAKER: My name is Bill Eichner, I'm
3 just a boater, but one of the questions I have
4 regarding this is is this going to be a barrier
5 area that's going to prevent any boater from
6 getting in or is this going to be an area that's
7 going to be restricted in the same way that they
8 would, you know, with having the Department of
9 Natural Resources patrolling the area?

10 SPEAKER: From what -- I have not
11 actually -- I know, Bob, that's probably more of a
12 question for you because we've talked about this
13 before and it's never been entirely clear to me
14 what the actual control measure would be as far as
15 physical nature of the area.

16 MR. LUNSFORD: I think the first thing
17 we'll propose is signs on shore at point A and D
18 saying prohibited area and a buoy line in the water
19 saying prohibited here to shore.

20 MR. BUSH: We have some of those further
21 down the bay, the bombing sites and things like

1 that, because I've been involved with some of
2 those. Now, is that all you have, sir, at the
3 moment?

4 MR. AMES: Unless anyone has any further
5 questions.

6 MR. BUSH: We have some other people who
7 wish to testify and --

8 MR. AMES: Thank you.

9 MR. MARSH: Who's going to speak, Robert
10 Palmer, is that you?

11 SPEAKER: My name is Robert Palmer and
12 I'm the owner of Tradewinds Marina. I want to just
13 give a quick overview. There's about eight marinas
14 above this line that we're talking about, there's
15 about 1700 boats that have to transit this channel.
16 With the buoy that's out there now at point C we
17 have a, basically a 91-yard or say 270-foot channel
18 that they would be allowing to be used. We are
19 going to say, or at least I'm going to say and
20 there will be a few other people talk also, that
21 we're willing to accept the 60-foot height

1 limitation, there won't be any boat closer to the
2 runway than where that point C is, but what we
3 would like to do, as has been discussed a little
4 bit here, still have the use for powerboats, put
5 all sailboats outside of this 60-foot mark so
6 anybody looking at a sailboat can tell whether it's
7 in or out and he's going to be out, so the marine
8 police won't have any judgment to make, you know,
9 that's a 40-foot mast, that's all right, he can be
10 in there, we're going to say keep all sailboats out
11 of that 60-foot intersection but let powerboats use
12 the -- because there's another 104 yards that's
13 between the buoy and the runway itself. And we
14 would like to be able to use about 67 of it and we
15 still have six feet of water under the keel at that
16 point, or boat bottom. We aren't going to have
17 keel boats in there at all, and we don't think
18 that's going to have any interference with the
19 runway flight path and all of that sort of thing
20 and it keeps the judgment out of it. But with as
21 many boats as we have going in and out of that, to

1 cut down from what I would say is 67 yards inside,
2 all be done on the 270 on the other side and that
3 way I think you've achieved the FAA problems and
4 the ILS can be turned on, and it would be
5 interesting to know how many ILS operations they
6 have there. We've been in our marina 27 years and
7 have not been made aware of any particular
8 interference problems being brought to your
9 attention. We did get a survey every year to say
10 what is the tallest boat you have in your marina.
11 In my marina we only have four sailboats and the
12 highest one is 45 feet, but he would be excluded
13 from this area, but not all boats should be
14 excluded from this area. So I think we can satisfy
15 a lot of the in and out safety issues that boaters
16 have just like aviators have a problem, we don't
17 want to knock one of them down, but we don't want a
18 boat accident because we've narrowed down the
19 channel so much, and it's kind of just like common
20 sense to me that we ought to be able to use that
21 body of water if we're not in any way interfering

1 with that glide slope, because you can actually be
2 in the water right at the end of the runway and you
3 would still have glide clearance of at least 20
4 feet even if you were a 30 foot high powerboat with
5 a fly bridge and that sort of thing. So to me
6 there's no way that we should give away that much
7 and say it's totally restricted from all boating,
8 and with that I'll add some comments later if
9 necessary. But to us it's acceptable to say yes,
10 all sailboats outside, and we being the marina
11 owners would take care of making sure that every
12 one of our people have a piece of paper that says
13 how you use this waterway, and I would think, I can
14 say from my own marina that we wouldn't ever let a
15 60-foot mast into our marina in the first place
16 because we only have about five and a half feet of
17 draft and you need more than that if you have a
18 60-foot bridge clearance, but there's any questions
19 of anybody I'll be glad to answer them.

20 MR. BUSH: We have a question here.

21 MR. McLEAN: How wide did you say up by

1 point C, how wide is that channel now if these
2 regulations were adopted?

3 SPEAKER: About 270 feet.

4 MR. McLEAN: 270?

5 SPEAKER: Right now it's 67 feet wider
6 than that, so we're kind of cutting it by a third
7 is what we're doing.

8 MR. McLEAN: Gotcha. You're losing 67
9 and will retain 270 if this proposal is accepted.

10 SPEAKER: Right, that's right.

11 SPEAKER: That's not exactly true from
12 the standpoint of the shallowness of the other
13 shore. I mean we don't have full usable space of
14 the other shore.

15 SPEAKER: We're up to the eight-foot
16 contour and that sort of thing.

17 SPEAKER: Now, we have a hard dock that
18 exists, a residential dock that comes out almost
19 right at point C, and that's what really shortens
20 that thing down.

21 MR. BUSH: Thank you, sir. We want to

1 try to have everyone to speak, but we can't have it
2 back and forth on every speaker, but I will let you
3 come up and speak.

4 SPEAKER: When I speak, I'll say what I
5 need to.

6 MR. BUSH: Great, thank you very much.

7 MR. MARSH: Wayne.

8 SPEAKER: Good morning. My name is
9 Wayne Miskigwica, my family owns and operates the
10 Maryland Marina, which is just to the north of the
11 picture there in Frog Mortar Creek. We've been
12 there for 64 years and I have lived in and worked
13 there my entire life. We are probably one of the
14 main culprits of this in that we have predominantly
15 a sailboat marina, we have roughly 550 boats in the
16 marina. About 60 percent of those are sail and
17 about, a total of about 6 percent of those boats,
18 roughly 30, 35 boats would fall into the category
19 of 60 foot, potentially 60 foot. The two issues
20 that have been briefly touched of concern is one of
21 obviously the FAA's concern about safety, safety of

1 their pilots and stuff. We're concerned about the
2 safety of the boaters. When you are funneling the
3 same number of boats, and there are a lot of boats
4 as Bob says that are up Frog Mortar Creek, into a
5 narrow funnel on Saturday and Sunday, you are now
6 affecting the safety week in and week out during
7 the boating season, so that's one main concern.

8 The second thing is that it's almost a
9 moot point regarding the 60-foot, the 60-foot
10 clearance. A boat with a 60-foot clearance is
11 going to have a heck of a draft and they're not
12 going to be cutting close to the shore, they're
13 going to be hanging into the, into that middle of
14 the channel there they're not going to be hanging
15 into that, encroaching upon that line. The
16 proposal that Bob's making seems to be the most
17 logical one, is that you restrict all sailboats out
18 of that, out of that area and you allow all other
19 boats, the jet skis and the small powerboats or all
20 powerboats basically to operate within that area,
21 and I think that would at least minimize the impact

1 upon the potential safety factor. So that's
2 primarily what I wanted to say. If anybody has any
3 questions, I'll--

4 MR. BUSH: Yes.

5 MR. PARLIN: I'm sorry, you rattled off
6 some numbers pretty quickly, how many sailboats did
7 you say -- let me finish -- that would fit the
8 60-foot category?

9 SPEAKER: There are roughly 30 or 35
10 boats in my marina that would fall into that
11 category, and I've talked to some of those, some of
12 those owners and they don't near get near that
13 shore there, they stay out into the channel.

14 MR. BUSH: Thank you very much.

15 MR. MARSH: Next is Frank -- Fred, I'm
16 sorry, excuse me.

17 SPEAKER: My name is Fred Conrad, I own
18 and operate a marina called Parkside Marina in Frog
19 Mortar Creek. We have a 126-slip marina and
20 approximately 15 of them would be sailboats,
21 probably five or six would reach the height perhaps

1 of 60 foot. Now, we want to accommodate totally
2 with the airport as far as the safety of the
3 pilots, but we also feel that there's room there
4 for accommodating the small boats inside that
5 restricted area rather than saying we want positive
6 control and that no boats whatsoever can operate in
7 that area. We would like to see that waterway free
8 to powerboats at all times.

9 MR. BUSH: Thank you.

10 MR. MARSH: Brian.

11 SPEAKER: I'm Brian Schneider as I said
12 earlier, I'm with the Marine Trade Association.
13 When Bob said we have 273 feet, what that 273 feet
14 is it's from that owner's pier right there to the
15 buoy. So as boaters are instructed when they're
16 learning how to operate boats, stay about a hundred
17 feet off a fixed pier anywhere when you're under
18 operation. That knocks that down to about 173 feet
19 of safe operating, and that might be what that
20 black line is showing us, I'm not sure. When you
21 have 1770 boats using that, that river in a

1 weekend, it is very dangerous. I'm out there test
2 driving boats and three boats going through there
3 is very tight if you're coming head on with each
4 other, so, you know, the safety we have to keep in
5 mind about that.

6 And another factor is where this
7 restricted area is at, if they speak truthfully to
8 us, that is eventually going to be buoyed off and
9 float buoys as a line like a swimming pool divider,
10 they're going to be putting floats all through
11 there so no boat can go in there at all, that's the
12 only way they can keep them out. And then, you
13 know, you're looking at the number of sailboats,
14 Fred and Wayne have the only tall sailboats in Frog
15 Mortar Creek, and that's about 40 sailboats out of
16 the 1770 boats that we have up in that creek.

17 MR. KLOOSTRA: That narrow place where
18 you're talking about, by the dock and C, is there
19 any speed restrictions in there presently?

20 SPEAKER: Saturday, Sunday and holidays.

21 MR. KLOOSTRA: Six knots?

1 SPEAKER: That's correct.

2 MR. BUSH: Thank you very much.

3 MR. MARSH: Tony.

4 MR. BUSH: We would like to try to keep
5 your comments to about three minutes if you can.
6 I'm not going to hold everyone to that three
7 minutes, but try to do that so that everyone in
8 here has an opportunity to express themselves. Go
9 right ahead, sir.

10 SPEAKER: Thank you. My name is Tony
11 Correlli and I'm a resident the Frog Mortar area,
12 I'm on Frog Mortar Road, I'm just off the top of
13 the picture up there. And I too have observed
14 traffic since hearing about this and I can sit
15 right on my deck and just watch the funneling that
16 took place since the munchkins were put out there
17 and on a weekend it is incredible to see them all
18 just join into one spot where you had this, at one
19 time all of this open area.

20 With all respect to the safety of your
21 aviators and the marine police, et cetera, and the

1 air force and the air guard and the private thing,
2 I'm sure not still really clear as to why the whole
3 thing just can't be brought into -- and correct me
4 if I'm wrong, but is that locator on land or is
5 that set in the water? Anybody know that?

6 SPEAKER: Water.

7 SPEAKER: It's going to be sat in the
8 water, okay, so that's -- the question I'm having
9 is why the whole thing can't be brought in a little
10 bit. I know it will shorten the runway, I do
11 understand that, but that's my question. There's
12 also a factor of, you know, appearance, I like the
13 beauty of the water myself and it's just going to
14 be a tower probably painted red and white with
15 lights on it at night, you know, just maybe a small
16 thing to some but those of us that live on the
17 water appreciate the beauty of the water. The
18 draft in that area is correct, a 60-foot mast
19 sailboat, I've been there a few years now and I
20 have never seen any run up that close to the shore.
21 Sailboaters generally know their limitations and

1 that goes, I think any sailboater would know you
2 don't go in there. Secondly, if I understand what
3 I'm hearing correctly that's for night,
4 particularly during the evening in bad weather, two
5 other reasons you probably wouldn't see a sailboat
6 in there, and the last thing I'd like to ask Mr.
7 Lunsford, he said that the first line of defense
8 will be some buoys, were you going to say is there
9 a second future way of blocking off that area,
10 something more permanent, pilings?

11 MR. LUNSFORD: One, it depends on
12 whether or not a regulation is actually promulgated
13 and, two, it will depend on whether or not the
14 buoys are effectively meeting the FAA airport
15 requirement, if they're out there. I mean there
16 are other steps to be taken, positional buoys and
17 that sort of thing.

18 SPEAKER: Okay, thank you.

19 MR. BUSH: One question for you in the
20 back, stand up.

21 SPEAKER: Jane Toscas, I'm an operator

1 and pilot at the airport. One of the reasons for
2 this whole problem is the FAA has a photograph of a
3 60-foot mast moored right off the end of the
4 runway. And that's what's triggered most of this
5 issue. If they didn't have that photo most of this
6 wouldn't be here. So yes, 60-foot mast boats have
7 been seen inside what is the restricted area.
8 That's one issue.

9 The second issue we have is it all makes
10 common sense to us that any boat that's less than
11 20 foot above the water ought be to be able to
12 penetrate that without causing any safety issue.
13 The problem that the FAA has is that apparently for
14 years there has been a note on the marine charts
15 that if you're in the area you're supposed to call
16 the Martin tower. We have a former tower operator
17 here who has never once received a phone call, so
18 clearly the boaters have not complied with that
19 note on the chart. That gives the FAA significant
20 concern about the ability to only partially
21 regulate that piece of water. That's why they're

1 talking about positive control, no boats in that
2 area, because over the years the boaters have not
3 appeared to comply with them, at least they've
4 never called the tower according to the note on
5 their charts.

6 SPEAKER: I, you know, I --

7 MR. BUSH: Excuse me, you made your
8 point, we appreciate it. Now, if you can give a
9 one-minute response and we have another response
10 over here. Go right ahead, sir.

11 SPEAKER: I guess moving the whole thing
12 in, whatever distance that is, 70 feet or a hundred
13 feet will actually provide the positive, no chance
14 of it ever happening. Even if you put markers
15 there, technically somebody could still go in
16 there, so to make it more positive, moving it in
17 would give you the absolute, to make it -- I'm not
18 arguing with safety here, but I mean --

19 MR. BUSH: We appreciate your position.
20 Now, you had a rebuttal.

21 SPEAKER: Well, as to this phone call

1 thing, we've addressed that a number of times in
2 the past, and after 10 o'clock at night there's
3 nobody at the tower anyway, and we have had many
4 people call and never gotten an answer, but I mean
5 we tried to suggest that at night the airport seems
6 to shut down by 10 o'clock and then there's nobody
7 there. But radar control is shifted to somewhere
8 else so if you're coming in late and have to land
9 there they can still get some clearance, but we
10 couldn't ever get them to say they can transfer the
11 phone call there. They were going to have to hire
12 a whole new crew for the night, and we said that's
13 just ridiculous to have that many people added to
14 the payroll. I don't know where all this comes
15 from, but there's definitely different points of
16 view on that.

17 SPEAKER: Just to kind of follow up on
18 that, a number of years ago there was an effort to
19 have boaters, the sailboaters call in to the tower,
20 whatever, and we, we just, we distributed that
21 information to all our customers and I had a number

1 of customers come in, they tried to calling and the
2 phone rang and rang and rang and no one ever picked
3 it up, so they reached a point where they just
4 stopped calling, but early on, this is about what,
5 five years ago, Bob, there was a major effort for
6 this to happen, but there was no one answering the
7 phone to begin with.

8 MR. BUSH: Well, thank you for your --

9 SPEAKER: I'd simply like to respond in
10 the same manner, we had that phone number, we put
11 that information out, people called and received no
12 answer.

13 MR. BUSH: Okay. Now, the airport
14 operator, you've heard his comments here, do you
15 have any comments in rebuttal to what they're
16 saying, do you have a rebuttal on this?

17 MR. AMES: Yeah, the FAA was concerned
18 about the same situation.

19 MR. BUSH: Stand up.

20 MR. AMES: The FAA was concerned, okay,
21 they came down, the operators of the airport showed

1 the pylons with the phone number, they picked up a
2 cell phone and called and it was connected
3 immediately, so it was just a matter of chance for
4 that one time.

5 MR. BUSH: Let me make a quick comment
6 here. If that phone rings and the, and the person
7 who is at the tower, operator is dealing with an
8 airplane coming in and controlling an aircraft,
9 he's not going to answer that phone, I can
10 understand that part, but the people here saying
11 that many people have called the number and there's
12 no answer, so I don't know, but anyway, it may be
13 something to review. My suggestion --

14 MR. AMES: I mean it would only take two
15 seconds to try to dial the number and see if they
16 answer. It's a pretty good --

17 SPEAKER: To address that situation we
18 are trying to say all sailboats will stay out of it
19 so they won't need to call.

20 MR. BUSH: I understand that, we've gone
21 over that part of it. Now, we have --

1 MR. MARSH: One more, Patrick Simmons.

2 MR. BUSH: Do you have anything you'd
3 like to say, sir?

4 SPEAKER: If it's a height requirement
5 --

6 MR. MARSH: Stand up, sir.

7 SPEAKER: If it's a 60-foot mast, it's a
8 height requirement that interferes with the ILS,
9 why couldn't they string a cable across it?

10 MR. BUSH: No, no.

11 SPEAKER: Buoys and cables eventually --

12 SPEAKER: He's right --

13 SPEAKER: Raise the cable.

14 MR. BUSH: I appreciate your comment,
15 but that's probably impractical. That will not
16 happen I don't think. Now, do we have anyone else
17 that wishes to make a comment?

18 MR. MARSH: Anybody against, not, that
19 wants to make comments that is not on --

20 MR. BUSH: First of all, we appreciate
21 all the comments from both sides. You can see it

1 is an issue that we will take very seriously. I
2 can say this, from a flying standpoint that we try
3 to have not -- as few gray areas as possible
4 because there's no filling station in the air and
5 no place to pull over and correct a mistake. So
6 therefore we'll see what happens here. But we
7 appreciate your comments.

8 MR. PARLIN: Mr. Chairman, quick
9 question, do we have anybody else on the agenda
10 for?

11 MR. MARSH: There are a couple more for.

12 MR. PARLIN: Was there anybody from the
13 FAA here?

14 MR. MARSH: No. Shawn Ames and Wayne
15 Schuster.

16 SPEAKER: I'm with Shawn.

17 MR. MARSH: Paul Johnson.

18 SPEAKER: That's me.

19 MR. MARSH: Would you like to say
20 something? You're a pilot, go ahead.

21 SPEAKER: I'm Lieutenant Colonel Paul

1 Johnson, I represent the 1500 Air National Guard
2 stationed at Martin State, I'm the director of
3 operations for the 104th fighter squadron flying
4 out of Martin State for about ten years. Twofold
5 concern with the ILS being shut down over a number
6 of years, it reduces our ability to train in low
7 weather situations, it also reduces the ability for
8 airlifts to get in and out of the airport.

9 That coupled with the runway length,
10 right now with the runway length the way it is,
11 when the temperature is above 90 degrees we have to
12 decrease the amount of fuel we put on board the
13 A-10 in order to safely take off. It decreased our
14 takeoff weight. If the runway length is further
15 reduced, that's going to further require a
16 reduction in weight. Both of these problems
17 combined affects the ability of airlift to get in
18 and out of Martin State. When we go somewhere we
19 can't carry all our stuff and people with
20 indigenous airlift, so we need to bring in larger
21 airlift to take care of that. The problem with

1 both runway length and ILS is the ability of those
2 larger aircraft to come in and support us.

3 I went to Afghanistan this past January,
4 we had to haul all our stuff and our people down to
5 Andrews because that's the only place the airlift
6 could get in. That type of movement significantly
7 increases the cost to the taxpayer as opposed to
8 bringing it in at Martin State where I just have to
9 haul it across the ramp instead of 35 miles down
10 the road. Thank you, sir.

11 MR. BUSH: Okay. We have one question,
12 two questions. Go right ahead, sir.

13 SPEAKER: I have one question about
14 going to Andrews. Was there a reason why you
15 couldn't go to BWI?

16 SPEAKER: It's -- I'm just guessing, I
17 don't know the specific reason, my assumption would
18 be the complexity of bringing that equipment into
19 BWI -- hauling it to BWI or hauling to Andrews is
20 probably cost-wise the same, militarily it's just
21 easier to go to Andrews because they already have

1 the military airlift structure in place.

2 MR. MARSH: Have you experienced or of
3 your squadron members experienced any difficulty
4 coming in with that particular, sailboats that come
5 in on --

6 SPEAKER: It's pretty impressive
7 sometimes wondering if your gear is going to bounce
8 off a mast, but when the weather is low and we
9 don't have the ILS, we just shut down operations
10 and don't fly at all. We see it during clear
11 weather, we see them coming in. It's not, it's not
12 a safety concern, it's more of a note because we're
13 visually deconflicted with it.

14 MR. BUSH: Thank you very much. I think
15 that covers that particular first subject that we
16 have. Now, we're going to move on. Bear Creek. I
17 don't think there's anyone here that showed up from
18 Bear Creek; is that right?

19 SPEAKER: I did.

20 MR. BUSH: I'm only joking. I mean we
21 know. Now, we have several names of people who

1 would like to testify in support, we have nine
2 people so far. If anyone wishes to add their name
3 to the list, you have an opportunity to do that.

4 MR. MARSH: Bob Fry. That's in support
5 of Bear Creek.

6 SPEAKER: I have not, I'm --

7 SPEAKER: We're starting with Bear
8 Creek?

9 SPEAKER: I'm Bob Fry, I'm in the
10 Sparrows Point Marina, I too owned a boat store
11 until last year, so I can sympathize with --

12 MR. BUSH: You have to speak a little
13 louder.

14 SPEAKER: I'm 70 years old, listen up, I
15 got my hearing aid out here. No, I'm in the
16 Sparrows Point Marina there, I'm on an end, and I
17 regularly see the multitude of boats going up the
18 river there and down, and I'm not too concerned
19 about the small fishing boats and the local
20 community there. I love to watch them go by and
21 they're not putting out much of a wake, but we are

1 having a lot of trouble with midsize cruisers,
2 small cruisers coming and going, probably mostly
3 transients, and the only way to stop them from
4 putting out dangerous wakes is to make that a
5 six-mile zone. I personally have had two
6 experiences in eight years that I thought were
7 pretty dangerous on our boat from wakes that were
8 going, because when working on a boat and working
9 inside, you don't know a wake is about to hit you
10 and this has gotten to be pretty dangerous. As I
11 said, I'm 70, I've got some medical issues and I
12 consider it a dangerous situation for me and my
13 grandchildren, my wife, and the people that are on
14 board. I'd like to see that become a six-mile zone
15 all the time. Thank you.

16 MR. BUSH: Thank you very much.

17 MR. MARSH: Steve.

18 SPEAKER: My name is Steve Heiger, I'm a
19 vessel delivery captain with a 50-ton master's
20 license and I also have a service organization on
21 the northern bay. I've been at Sparrows Point for

1 12 years, I've seen a lot of safety violations from
2 multiple boats crossing within 20 to 30 feet of
3 transoms and bouncing boats. There's been
4 confrontations from boaters who pulled into the
5 pier to have words with some of the pier members.
6 What initiated this more this past year was one of
7 the boaters in the Bear Creek area actually pulled
8 a flare gun on one of the pier members.

9 SPEAKER: Pardon me, could you repeat
10 that, please?

11 SPEAKER: About the flare gun?

12 SPEAKER: People are moving around back
13 here.

14 SPEAKER: I said there's been a lot of
15 safety issues from my standpoint of boats crossing
16 other paths, crossing 20 to 30 feet off the marinas
17 and this issue about the flare gun that was pulled
18 on one of the pier members last year, that kind of
19 pushed this issue even further, you know, with the
20 confrontation when you start having people coming
21 onto the pier to confront other pier members, I

1 would think that's a safety issue.

2 SPEAKER: Excuse me, could I comment on
3 that?

4 SPEAKER: No.

5 SPEAKER: Sir, could I comment?

6 SPEAKER: No.

7 MR. BUSH: What is it?

8 SPEAKER: I just wanted to comment on
9 that.

10 MR. BUSH: I will recognize you after he
11 finishes.

12 SPEAKER: Thank you.

13 MR. BUSH: Go right ahead.

14 SPEAKER: As I was stating, I have a
15 service business in the area and I work on roughly
16 20 to 30 boats at the Sparrows Point Country Club
17 and at any time when you're down in an engine
18 compartment upside down, inside out and you get hit
19 with a three to four foot wake off the bow of the
20 boat, it is quite dangerous. I also had some
21 damage done to my boat on the pier due to the wake

1 and lack of consideration from the people in the
2 area. So.

3 MR. BUSH: Okay. Your issue is the
4 boats are going too fast, correct?

5 SPEAKER: Too fast, too close, there's
6 also a very small area from the pier across the
7 creek to our marina, and, you know, you get a water
8 skier in there, two boats cruising through, that's
9 an unsafe situation all by itself, much less the
10 hydroplanes that we have running through there
11 every now and then at roughly 60, 70 knots.

12 MR. BUSH: Okay. Now, just a second.
13 You had a quick comment back here?

14 SPEAKER: Yeah, I'm Skip Holly, and if
15 the thing that escalated this issue was a guy
16 coming in with a flare gun, I can paddle in with a
17 flare gun, an idiot is going to be an idiot, so I
18 think it's a wake issue, let's face that. Somebody
19 comes up with --

20 SPEAKER: It's a confrontation issue at
21 this point too, sir.

1 SPEAKER: Well, that's --

2 SPEAKER: That's how serious this --

3 SPEAKER: I gotta shut it down, stop
4 people from using it.

5 MR. BUSH: Now, we have one more, two
6 more quick comments.

7 SPEAKER: I just want to make sure --

8 MR. BUSH: Stand up, please.

9 SPEAKER: I just want to make sure this
10 is clear, the Sparrows Point Marina is the Sparrows
11 Point Country Club Marina, right?

12 SPEAKER: Correct.

13 SPEAKER: Not a general marina that
14 anybody can join, you have to belong to the country
15 club; is that right?

16 SPEAKER: Yes, you do.

17 SPEAKER: We have another marina down
18 the end. Just checking.

19 MR. BUSH: You had a comment, sir?

20 SPEAKER: The other gentleman caught me,
21 I was just wondering if we thought a six-mile limit

1 would eliminate somebody from pulling a flare gun.

2 MR. BUSH: Obviously that would not,
3 that's a good point. Do you have anything else to
4 add, sir?

5 SPEAKER: That will do it.

6 MR. BUSH: Thank you.

7 MR. MARSH: Steve Smith.

8 (Discussion held off the record.)

9 MR. BUSH: Okay, don't worry, I will
10 speak loud enough so that everyone can hear.
11 Please, I'm recognizing you, sir. Please give your
12 name and your affiliation.

13 SPEAKER: Steve Smith, I have a boat at
14 Sparrows Point Country Club, and our issue is -- my
15 wife and I have a boat there and our issue is that
16 one of safety also. I've left other marinas in the
17 area because of no wake and, you know, we went down
18 here, it's nice, peaceful and quiet, and you know,
19 I think what the folks don't realize is that we
20 eat, sleep and bathe on our boat and all those
21 things are all dangerous when you have folks coming

1 in at a high, excess speed. You know, if you're in
2 the shower and you don't know a wake is coming, you
3 could get hurt. If you're cooking, something could
4 slide off, you know, grease or whatever onto
5 yourself or your boat, so it's strictly a thing of
6 safety, it's not an inconvenience. Part of Bear
7 Creek already is a six-mile-an-hour, we're just
8 asking that that be extended.

9 The result of that flare gun, that's the
10 direct result of someone going too fast, not
11 someone going through there and having a fight with
12 someone, the root cause of that flare gun was
13 because of the speed thing, so.

14 MR. BUSH: Because of a wake, really.

15 SPEAKER: Yes, sir.

16 SPEAKER: Not speed, wake.

17 MR. BUSH: Do you have a quick comment
18 back there?

19 SPEAKER: Yes, I do. James Durkin,
20 resident, Old Battle Grove Road on Bear Creek.
21 Waves come with the territory of living on a boat.

1 If you like the water, if you enjoy the water, I'm
2 a real estate agent, buy waterfront, don't purchase
3 a boat and pay thousands of dollars to hold that
4 slip. Also, there is facilities that can properly
5 fix boats that are in the six-knot range already,
6 Anchor Bay Marina being one of them, where a
7 mechanic can go and fix a boat without worrying
8 about wakes. One last thing, those commercial
9 fishing and crabbing boats, even if they do six
10 knots they're still going to make wakes the same
11 size as a 17-foot fishing boat or even a
12 20-some-foot boat.

13 MR. BUSH: Thank you for your comment.

14 SPEAKER: Thank you.

15 MR. BUSH: Now, we have a list here of
16 people who are in support of this issue and then we
17 have a group of names that are against, so we do
18 not want a person who is against the proposal to
19 jump up when the person who is in favor of it,
20 we're trying to keep things orderly so we can keep
21 going.

1 MR. MARSH: These are people in support.

2 Roger Dewey is the next one in support.

3 SPEAKER: Thank you. My name is Roger
4 Dewey, I'm also a member of the Sparrows Point
5 Country Club Marina. At the beginning of the
6 meeting you said the water is for everybody, it's a
7 courtesy. Okay, just last week, the -- it is a
8 conflict growing. Less than a quarter mile down
9 there a six-knot zone begins. We're asking that it
10 be brought up so it covers our marina also. Just
11 last week, I won't identify which boat it was, a
12 24-foot boat for a half an hour speeding by, slow
13 down, come around, speed by, for a half an hour, it
14 was done intentionally. There is a conflict
15 brewing, honest, and you're talking about a
16 five-minute delay for a person getting from point A
17 to point B. Five minutes for safety is not a,
18 shouldn't be an issue, it really shouldn't. And
19 courtesy goes both ways. If you have your boat
20 somewhere, you don't want your boat getting rocked
21 in the water. I understand the residents, I

1 understand your concerns, but talking five-minute
2 delay for safety and five minutes for courtesy, and
3 that's just human nature, and if that's really
4 going to be an issue where it's going to cause you
5 a five-minute delay to get out to the bay, then I
6 don't know what to, how to get your concerns met.

7 MR. BUSH: Thank you for your comment.

8 MR. MARSH: Charles Dorsey.

9 SPEAKER: Ladies and gentlemen, my name
10 is Charlie Dorsey, I represent the members of
11 Sparrows Point Country Club. As a former board
12 member there for many years, former vice president
13 of club, I've been there since 1985 and I too have
14 a boat there, I have a 50-foot boat, I'm a resident
15 of Anne Arundel County, I live here not far from
16 this spot where we're at right now and grew up on
17 the water. Boating, just because you own a home on
18 the waterfront doesn't entitle you to be
19 discourteous and rude to people who don't have a
20 boat. I don't have a home on the waterfront and
21 happen to own a boat.

1 Sparrows Point Country Club was started
2 back in 1952 over there, it was built by Bethlehem
3 Steel. In those days you had to work for Beth
4 Steel to be a member there. In 1985 it was bought
5 and opened to the public and even though it's a
6 private club anyone can join. It's a working man's
7 club, it's a blue collar club, and we have 60 slips
8 located there. It's a very narrow body of water.
9 Our members are very courteous to the residents and
10 we recognize that. You will never see one of our
11 boats coming in on plane running back to our
12 marina.

13 One of the biggest problems that we've
14 had back there -- and believe me, most of the
15 residents are very nice people and they're very
16 cognizant of fact there is a marina there, I don't
17 think this is a widespread thing where the
18 neighborhood hates Sparrows Point Country Club. I
19 still believe though if our club was called ABC
20 Marina or Dundalk Marine Center instead of Sparrows
21 Point Country Club you wouldn't have the kind of

1 animosity that you have because people see the,
2 seem to think because it's a country club it's a
3 bunch of rich people over there with boats that are
4 sitting there and complaining all the time, which
5 is far from the case. We do have a lot of people
6 work on boats at our marina. We do not have fuel
7 and we do not have pump-out or anything like that,
8 it's not required. It's a private marina.
9 However, that area is very soft soil and when that
10 marina was built we were told that you're
11 constantly going to have issues with pilings.
12 We've had to replace pilings, we've had to double
13 up on pilings, we've had cleats pulled out, we've
14 had lines broken. When a 30-foot boat runs past
15 your marina, even if he is a hundred feet away and
16 he's running at say 10 knots with the bow straight
17 up, my wife was knocked completely off the sofa on
18 our boat two years ago. We've had other issues
19 with children on the boat, a lot of people even
20 have pets on the boat, we've lost members because
21 people said it's kind of unsafe to keep your boat

1 there when we have this type of traffic.

2 Now, five or six years ago we had this
3 same meeting in Annapolis and one of the gentleman
4 who happened to be on the committee at that time,
5 he said to me, he said Charlie, the biggest problem
6 we have is that if we change that speed to six
7 miles an hour we'll never be able to change it
8 back. That was the point of the meeting, we don't
9 want it changed back. Making it a no wake zone is
10 not going to help us. It could be, we would accept
11 that, but it's a courtesy thing, and the other
12 problem we have is at Anchor Bay Marina, which is,
13 like the gentleman said, it's up near the bridge,
14 that's also where the police keep their boat and
15 the residents and the people who come in and go
16 back to the restaurant, they know when those boats
17 are up there and they know when they can run up and
18 down. A lot of these people don't even obey the
19 law on weekends when it is mandatory six mile an
20 hour, so making it seven days a week, who knows?
21 All we're saying is gentlemen, ladies and

1 gentlemen, it's a common sense issue and the creek
2 is very narrow, we're asking from a short space to
3 make it six miles an hour all the time, and we will
4 never have this issue again, and we hope that you
5 take our request into consideration.

6 MR. BUSH: Thank you very much.

7 MR. MARSH: Ron Thompson.

8 MR. BUSH: Once more request that you
9 try and keep your comments to about three minutes
10 so everyone has an opportunity to speak.

11 SPEAKER: I'm going to make this short.
12 I'm Ron Thompson, I'm a member of Sparrows Point
13 Country Club, I also grew up on Bear Creek. I'm
14 torn between the middle of this. The problem and
15 the issue are the wakes in front of the marina. A
16 lot of the marinas, some of the marinas up from us
17 are fine, it's courtesy. And it's getting to the
18 point where something's gonna happen. A couple of
19 times it has. I live on Bear Creek, it's an issue
20 of wakes. No wake doesn't work, during the week
21 you can't hardly stay on your boat. We've been

1 before the board here before. I just want to let
2 you know I still support it for the six knots and
3 I'm also friends with people that are opposing,
4 thank you.

5 MR. BUSH: Thank you.

6 MR. MARSH: Sandra Thompson.

7 SPEAKER: His comments are mine.

8 MR. MARSH: Same comments. Brian?

9 SPEAKER: Yes, basically the same
10 comment, just a courtesy issue. I'd like to keep,
11 you know, the speed in the creek, but I have boats
12 high and dry on lifts and people just don't respect
13 things when you have your boat say three-quarters
14 of the way in the water and you're getting ready to
15 go out, you have an issue with people flying by
16 you, and what I'd also like to see is on the
17 weekend a little more enforcement from DNR or
18 Baltimore County Police up in the creek to enforce
19 the speed limit.

20 MR. BUSH: One minute. There's an
21 enforcer in the back there that want to make a

1 comment. Sir, you gotta speak up or come up here.
2 Maybe have to give out a few citations to some
3 people.

4 SPEAKER: I'm Corporal Johnson and we
5 keep our boats at Anchor Bay Marina. We have six
6 officers that patrol all of Baltimore County. We
7 can't be everywhere, we have to have time off too.
8 There's only four officers at Baltimore County
9 Marine and they have from Middle River down to the
10 harbor also, so as far as the enforcement thing, we
11 can only be there when we can and that's it. As
12 far as the speed limit going through Bear Creek, it
13 would probably help us out to have it six knots all
14 the time only because we're getting complaints from
15 a lot of people at the yacht club with the wake
16 damage and all the issues that they're having with
17 the wake, but that's it.

18 MR. BUSH: Okay.

19 SPEAKER: Basically like I said, I know
20 you guys are spread thin with budget and things
21 like that, you know, but we're home a lot and I

1 honestly don't see you enough maybe.

2 MR. BUSH: Well, one thing in favor of
3 what the corporal is saying, that their budget has
4 been cut, as you know the whole state budget has
5 been cut, the marine police have been cut in
6 reference to their staffing and boating and all of
7 that, so all of this is affecting everyone, but the
8 one thing that everyone in the room can remember,
9 that if you have a person who is an idiot, someone
10 who's a fool, who just has got a bad attitude and
11 at this point you try to cause trouble, you cannot
12 regulate against that so that -- but the one way
13 you can do it is to set a speed limit. Just like
14 the road rage in the car, everyone has seen this
15 has been growing over the last five years or ten
16 years, and I see it every day, and every day when I
17 go out and get back home I almost have to say a
18 prayer because I was able to survive. Because you
19 look at the paper every day, you see where people
20 have been killed just going to work or coming home
21 from work or going to visit a friend. So I think

1 that we have to all take into consideration the
2 fact that we do have people who will not use common
3 sense and therefore we have to kind of legislate
4 sometime. That's why you have speed limits on the
5 roadway in certain congested areas where you have
6 to go 25, sometimes 15, sometimes 30 miles an hour,
7 and if those signs were not up people would go
8 right through there at 60 miles an hour, guarantee
9 it. But anyway, that's my only comment. Anything
10 else you'd like to add, sir?

11 SPEAKER: That's it. Sir, I thought you
12 had moved out of Anchor Bay.

13 SPEAKER: I just brought it back last
14 week, so we're back.

15 SPEAKER: Okay.

16 MR. BUSH: Thank you very much.

17 SPEAKER: Thank you.

18 MR. MARSH: That's all that was in
19 support on the list. Anybody else that didn't sign
20 in that supports -- you didn't sign in but you
21 support?

1 SPEAKER: Yes.

2 MR. BUSH: Would you like to state your
3 name, please, and --

4 SPEAKER: Good morning, ladies and
5 gentlemen, my name is John Pollard, I do have a
6 boat out in the Sparrows Point Marina. I'm a new
7 member there at the club and I'm a new boat owner,
8 I don't know much about boats, but I'm learning,
9 and one of the things I learned very quickly was
10 that I always had to look out into the creek to see
11 what boats were going in and out because on
12 occasion I found myself almost knocked off balance
13 by unexpected wake. I have a three-year-old
14 granddaughter, she goes on the boat with us, I get
15 very concerned about the unexpected wakes that
16 really we should not be seeing really in Bear
17 Creek, that if the six-mile-an-hour limit were
18 honored or just continued down a bit, this would
19 eliminate the problem, except for the occasional
20 idiot as you said. But hopefully there are more
21 reasonable people in the world than is idiots and

1 if you did legislate it in the way to have a limit
2 on the speed I think it would be an amicably
3 satisfactory solution.

4 MR. BUSH: Thank you very much. We have
5 one more. You did not sign up, right?

6 SPEAKER: I did not sign in, that's
7 correct. My name is Ryan Dobb, I also have a boat
8 at Sparrows Point Country Club, this is our first
9 year there. I will tell you it's a beautiful
10 creek, it's a beautiful area. I have three small
11 children and also am concerned about the wake
12 traffic. I would like to just be clear that it is
13 not the occasional wake, it is a constant situation
14 of being rocked in there. I understand we can't
15 legislate against idiots, but it is definitely more
16 of a problem than the occasional person, so. Thank
17 you.

18 MR. BUSH: Thank you very much.

19 MS. TROVATO: Mr. Chairman, may I ask a
20 question?

21 MR. BUSH: Go right ahead.

1 MS. TROVATO: Can you tell me what kind
2 of boats --

3 MR. BUSH: Stand up and speak.

4 MS. TROVATO: Sure. What kind of boats
5 are causing these wakes that are rocking you?

6 SPEAKER: Meaning power or sail?

7 MS. TROVATO: Or ski boats or wakeboard
8 or cruising boats.

9 SPEAKER: Anything that generates a wake
10 that's within the distance that the wake is coming
11 on, okay? It could be a power cruiser, it could be
12 a jet ski doing circles that generates enough of a
13 wake to do that. It really can be anything that
14 creates enough of a wake to rock the boat.

15 MS. TROVATO: Thank you.

16 MR. BUSH: One other quick comment.

17 SPEAKER: In response, it's like the
18 gentlemen said, it's any boat going in there.
19 They're abiding by what the current law is right
20 now. There's no speed zone there, so any boat
21 going by there can go by at full throttle. They

1 can open that thing wide open and go by us and they
2 do and they're abiding by the law. That's why
3 we're saying if you extend that area up past our
4 area, most boaters show a courtesy and they'll turn
5 it down and obey the law.

6 SPEAKER: Be responsible for their
7 wakes.

8 SPEAKER: Exactly.

9 MR. BUSH: Excuse me, sir.

10 SPEAKER: I'm sorry.

11 MR. BUSH: That's all right.

12 SPEAKER: I live on the creek.

13 SPEAKER: Just basically it's any boat
14 because there's no regulation there, any boat
15 flying by there.

16 MR. BUSH: All right, okay. Now we're
17 going to move on to people that are against this.

18 MR. MARSH: Bill Eichner.

19 MR. BUSH: Now, before you start
20 speaking, sir, remember, I am neutral, but I have
21 been to this area, I have observed it on more than

1 one occasion so I don't speak for someone who
2 doesn't know what this area is all about, just kind
3 of keep in mind of what you've already heard and
4 some people who may have one opinion, it may have
5 changed a little bit after you heard the whole
6 picture, I'm only throwing that out there. Now, go
7 right ahead, sir.

8 SPEAKER: My name's Bill Eichner, I'm a
9 boater in the Bear Creek area, and I'm aware of the
10 area, especially around Sparrows Point Country
11 Club, and I do know that they also have posted and
12 I respect their -- you are responsible for your
13 wake, and in fact most of the times they already
14 have that six-knot restriction on the weekends, and
15 one of the biggest concerns I have is that if you
16 extend this what you're going to increase is now
17 those people who have jet skis are now going to
18 have to increase the traffic around that area
19 because they can no longer use their jet skis past
20 that Bear Creek Bridge. So now you're going to
21 increase that. And also, I will also say that just

1 because you're going six knots doesn't mean you're
2 not generating a wake, because in fact I actually
3 slow down a little bit more to ensure that I don't
4 have a wake in that area.

5 So what's happening is it seems that the
6 people who are abiding by the rules now are being
7 punished because of the actions of a few, and I've
8 been in that area enough that I see most people do
9 respect the marinas, and I will also say that those
10 people who go boating on the weekends -- well, if
11 you leave on a Friday you can get out relatively in
12 a respectable amount of time past the Key Bridge
13 and not have to worry about trying to anchor your
14 boat in the dark. It's very hard to judge where
15 you are relative to the shoreline, and it also
16 makes it a little bit more difficult to know if
17 you're drifting, you don't want to be waking up in
18 the morning finding that you're either too close to
19 the shore or possibly too close to another boat.
20 And the other, the other comment -- yes, sir.

21 MR. BUSH: No, I was trying to go with

1 the three-minute rule.

2 SPEAKER: Okay, okay. The only other
3 comment I would like to make is the fact that those
4 people who have occasionally had issues with your
5 boat, if you need to check something, that means
6 that you will have to go out again past this
7 six-mile-an-hour speed limit and then if you end up
8 having a problem with your boat you're so far away
9 from where you docked out at that you may have to
10 get a rescue or another potential safety issue.

11 MR. BUSH: Is that all, sir?

12 SPEAKER: Yes, sir.

13 MR. BUSH: Thank you very much. Next
14 one.

15 MR. MARSH: Anne Heaton.

16 SPEAKER: Pass.

17 MR. MARSH: You pass. How about Lee?

18 SPEAKER: My name is Lee Yeaton, I'm the
19 owner of the Chesapeake Bay Guide at bay guide dot
20 com. I recently moved to Bear Creek last year, me
21 and my wife. We have no children, we have a three

1 boats, a 35-foot cruiser, a 23-foot fishing boat
2 and a nine-foot dingy. Our 35-foot boat is kept in
3 the water in a very, very tight slip. We too have
4 seen the boats going by fast and slow. I can't
5 notice any difference in some of the wakes. My
6 boat has been thrown around where I have been
7 knocked about while I've been working on it. Part
8 of boating. I've been doing this for my entire
9 life, 20 years on Bear Creek, and I just think that
10 the wakes, they just come with boating.

11 The safety issue that somebody brought
12 up about all the boats going outside of the
13 Peninsula Expressway Bridge is going to be a huge
14 concern. There's over 70 jet skis on Bear Creek
15 and there's just no room for 70 jet skis in that
16 one area. Same thing with the people that like to
17 tube, the same with people that like to waterski,
18 there's no room outside of the Peninsula Expressway
19 Bridge for all these people to enjoy the water, and
20 I also have a survey that I created online that I'd
21 like to give the results to the board to look at.

1 That's all I have to say, thank you.

2 SPEAKER: You can present them.

3 MR. MARSH: Ed Becker.

4 SPEAKER: Hi, my name is Ed Becker, I've
5 been a resident of the area of Bear Creek for 64
6 years, been a property owner for about 40 years
7 there and I have a 20-foot boat that I keep at my,
8 at my house. I fish four to five times a week.
9 Every day, you know, when I go out I go by Sparrows
10 Point Country Club. I can't keep my boat there
11 because I'm not a member. The majority of the
12 boats there for the poor people that keep their
13 boats are in the 30-foot length or larger. I fish
14 out at the mouth of Bear Creek and crab out there.
15 When I'm out there fishing and crabbing these
16 yachts go by and there's no consideration at all
17 for me and my boat from their wake. That seems to
18 be okay. When I go by the country club, I go slow.
19 When my boat is running at about, I guess about
20 whatever it takes to get up on plane, which is
21 probably about 15 to 18 miles an hour, I sincerely

1 believe it puts out less after wake than when I'm
2 traveling that six mile an hour.

3 SPEAKER: That's right.

4 SPEAKER: Now, the larger boats are the
5 problems here, whether in the creek or out in the
6 creek, and those larger boats give me a problem,
7 and they don't, you know, they don't slow down to
8 six mile an hour when they see another boat as
9 they're heading up to the Inner Harbor, they go
10 right by and almost swamp me.

11 SPEAKER: Right.

12 SPEAKER: And you know, it's common
13 sense, and anybody that acts like an idiot, it
14 doesn't matter what the law is.

15 SPEAKER: That's right.

16 SPEAKER: We can't legislate courtesy or
17 common sense, and I fish all the way up to
18 November. I get off work at 3 o'clock, by the time
19 I get home and get in my boat, and Daylight Savings
20 Time is gone, and I have to travel six mile an hour
21 out to go fishing or crabbing, by the time I get

1 there it's dark, it's over. People who buy boats
2 and own boats should realize that when the wind
3 blows there's waves, there's wakes, and that's part
4 of boating. If you don't realize that and
5 understand it, you shouldn't be on a boat.

6 The other thing I have to say is I do go
7 out in my boat four to five times a week and I go
8 right by -- these guys have probably seen me
9 because I can dip crabs off the pilings at the
10 Sparrows Point Country Club. Every day when I go
11 in and out, all the boats are there. There's never
12 an empty slip. These people don't, aren't really
13 boaters, they go there on the weekends and do their
14 cooking and bathing and everything else, I mean
15 that's what they do, and then they get mad because
16 somebody else is going out in their boat to go
17 enjoy the water. You know, it doesn't make a lot
18 of sense to me. You can't legislate idiots,
19 period.

20 MR. BUSH: Thank you. Now, there was
21 one -- I'm sorry, have you already spoken, sir?

1 SPEAKER: Yes, sir.

2 MR. BUSH: Well, we're going to have to
3 go through, we'll come back to you later if you
4 want to make a comment.

5 MR. MARSH: How about Louis Kellner, is
6 it Louis?

7 SPEAKER: Yeah. That man just said
8 enough.

9 MR. MARSH: Okay. Chris Whyte.

10 SPEAKER: I'm Chris Whyte, I've been
11 boating in Bear Creek area for ten years on three
12 different boats between a jet ski and two
13 powerboats during that time and my wife was born
14 and raised in the area and has been boating and
15 crabbing since she was a child along with
16 waterskiing and other sports. I just want to start
17 out by saying after the Martin State Airport issue
18 it seems kind of silly in comparison that we're
19 discussing a six-mile-an-hour speed limit on Bear
20 Creek, but I guess we have to go through the
21 process.

1 There's a few different activities that
2 I've done in the time that I've operated on Bear
3 Creek. Waterskiing with my children is one of
4 them. Kneeboarding with my children, they both
5 learned to do that on Bear Creek. I did some
6 research on the DNR website on the various six-
7 mile-an-hour speed limits off the Patapsco and
8 other areas of the Chesapeake Bay. I couldn't find
9 a single area similar or as large as this area that
10 was regulated to a six-mile-an-hour speed limit at
11 all times. The few that are limited to all times
12 are the existing one on Bear Creek, which
13 encompasses a narrow passageway along with a marina
14 that has a fuel dock, which I assume is a
15 significant concern. I saw the same thing over on
16 Stoney Creek, one narrow area of a six mile an hour
17 all times. Had the same thing, it was an underpass
18 for a bridge connected to a marine with a fuel dock
19 and we already have that same regulation. I don't
20 think there's a need to extend the regulation for a
21 single profit-making private country club that

1 didn't have any representative beyond the country
2 club show up on their behalf. There are no
3 property owners, private boaters, boaters that use
4 the public ramp that had any concern other than
5 just the members of the country club. Thanks.

6 MR. BUSH: Did you have a quick comment?

7 SPEAKER: I'm actually a private owner.

8 MR. BUSH: Yeah, okay, all right.

9 SPEAKER: Sorry. One.

10 MR. BUSH: Well, what we don't want to
11 do, we're trying to make the hearing impersonal if
12 we can, even though I know this is a very hot
13 issue, everyone in the room, pros and cons, but
14 let's try to keep this civil and not throw too many
15 rocks at each other, because then you're going to
16 leave here and have more trouble than before you
17 got here. I don't think that's the way we want to
18 go. Yes, sir.

19 SPEAKER: A quick question if I may for
20 those that are opposed to it, they've all been very
21 courteous in saying they complied with the six-knot

1 out of courtesy, they complied with the six-mile
2 rule going through there out of courtesy. Well,
3 you're already doing it, so why is it going to hurt
4 to extend it? If you're already being courteous,
5 what's it's going to hurt?

6 SPEAKER: Saturday, Sunday and holidays.

7 SPEAKER: Excuse me, excuse me, excuse
8 me.

9 MR. BUSH: Just a moment, sir. No, you,
10 I thought you were going to make a quick comment.

11 SPEAKER: The question I was asking
12 those people.

13 MR. BUSH: Right now we're not going to
14 accept questions.

15 SPEAKER: Okay.

16 MR. BUSH: Now, sir, you've been trying
17 to say something. Do you have something you'd like
18 to say.

19 SPEAKER: I'm burning up. I would -- I
20 live all the way back at the end of the creek, I
21 live in Tabasco Cove.

1 MR. BUSH: You want to go up there and
2 speak?

3 SPEAKER: Yes. I appreciate the
4 Sparrows Point Country Club's problem, I really do.
5 I'm --

6 MR. MARSH: Your name, sir?

7 SPEAKER: I'm Bob Long, L-O-N-G. I
8 appreciate the problems they're having. I'm a
9 responsible boater, I even wear a life jacket that
10 goes off when you fall in the water. I mean I'm
11 responsible. Unfortunately we do have a few people
12 in the area that don't respect other people's
13 problem, I have the same problem. One of the
14 problems that I have is if we extend the six-mile-
15 an-hour speed limit it's only going to make matters
16 worse when you think about it, because if I'm
17 coming down at full plane and let my throttle off
18 at six miles an hour, I'm going to make more of a
19 wake going in that direction. Would you agree to
20 that?

21 SPEAKER: Yes.

1 SPEAKER: I mean I have a jet ski, we
2 cannot go but certain areas to ride our jet skis
3 because of the limitations and it's not fair. I
4 pay a lot of money in property taxes, I want to be
5 able to go out to ride my jet ski and have fun in a
6 safe manner. If you do this it's going to cut us
7 down to the usage of our area where we have to go
8 out into the middle of the bay. That's not fair
9 and it's not safe. I understand these gentlemen do
10 have problems and I hope if you moor your boats
11 right and people respect the wakes and respect your
12 property like I do when I come by, we wouldn't be
13 having this conversation. Well, unfortunately, as
14 the man said, you cannot legislate people that are
15 not going to obey the law, they're not going to
16 obey it regardless.

17 MR. BUSH: Thank you very much for your
18 comments.

19 SPEAKER: Thank you, sir.

20 MR. BUSH: All right. And I know you
21 were out of sequence, but I wanted to make sure you

1 had a chance to speak, sir.

2 SPEAKER: In the summertime, six mile an
3 hour, I burn up coming from the end of my creek out
4 to there, it's only going to make it worse.

5 MR. MARSH: James Durkin.

6 SPEAKER: I'll keep my comments brief
7 because I already touched on a lot and a few of the
8 residents have as well. First and foremost, there
9 was a flare gun incident. I know being on the
10 road, being on the waterways, for me personally,
11 somebody would have to approach me with an issue in
12 order for me to retaliate. I'm not saying that
13 wasn't, you know, way above and beyond, but these
14 gentlemen back here are the ones that are supposed
15 to be regulating any sort of issue, not an
16 individual person that's sitting in a vessel.
17 Also, may I have a show of hands of how many
18 incidents are documented that are safety issues
19 that are directly linked to speed in this area.

20 MR. BUSH: You have to address the board
21 here.

1 SPEAKER: Okay. Well, board members,
2 can you ask, can you ask the people behind me and
3 around me what speed-related incident has been
4 documented and, if so, do they have documentation
5 with them that can show that there has been speed
6 related incidents? Anybody can say they fall and
7 slip on a boat, et cetera, et cetera, but is there
8 any proof?

9 SPEAKER: Excuse me.

10 SPEAKER: With that -- yes.

11 MR. PARLIN: I believe we're going to be
12 given that information during the executive session
13 from NRP.

14 MR. BUSH: You are going to get this
15 information. Let's just relax ourselves.

16 SPEAKER: No, I'm --

17 MR. BUSH: Are you finished with your
18 comment?

19 SPEAKER: Yes. I've been a boater half
20 my life, I've operated 27-foot down to jet ski, my
21 family currently has several boats and we're aware

1 of the issue at the Sparrows Point Country Club. I
2 respect boaters, everybody should be respected,
3 we're all Americans, you know, we should all be
4 respected, but there's a proper way to take care of
5 this incident and in my opinion a six-knot
6 regulation is not the way. You've already taken
7 away our wakeboarding areas, our skiing areas, et
8 cetera. That's all I have to say. Thank you for
9 your time.

10 MR. MARSH: Next one, Bill McJilton.

11 SPEAKER: I'm Bill McJilton, resident of
12 Bear Creek for 42 years, homeowner, boater. A
13 little history on the country club. They extended
14 their pier out 30 feet into the water, which helped
15 create the situation when they rebuilt the pier.
16 This was done a few years back. The creek has
17 changed in the last year. Part of the problem has
18 been eliminated by reducing the boat traffic. One
19 of the restaurants that was operating illegally up
20 there was creating a lot of boat traffic during the
21 day, during the weekends, and a lot of people with

1 I guess neglect or not recognizing the fact that
2 what they were doing when they were leaving there
3 and coming in to the pier. The six-mile-an-hour
4 thing has been talked about with planing boats
5 where the discussion has been that they don't
6 create as much wake as a boat that's going slow in
7 some cases. I feel that the homeowners and
8 residents of the creek will be punished by taking
9 away another piece of the water that's useful to
10 us, that we have people out there waterskiing and
11 able to use that in the evenings and during the
12 weeks. So the creek has changed. I hope that you
13 will come up and do a survey of the creek, take a
14 look for yourself as to what's happening there
15 wake-wise and traffic-wise. Thank you.

16 MR. BUSH: Many members of the board,
17 including myself, have been to this area, and they
18 took a close look at it, so you know, and also not
19 just during the week, but also on the weekend.
20 Just so you know.

21 MR. MARSH: Annette Travis? I'm sure

1 I'm not reading it right.

2 MR. BUSH: First name?

3 MR. MARSH: Looks like it's a

4 C-U-I-C-T-H; is that right? I'm not reading it
5 right.

6 (Discussion held off the record.)

7 MR. MARSH: Travis, does that sound
8 right, anybody? That's as close as I can come to
9 it. Okay. If you, if somebody else is not on the
10 list needs to speak, we'll get to that. Michael
11 Martin.

12 SPEAKER: Good morning, my name is
13 Dr. Michael Martin, I am a 20-year waterfront owner
14 on Bear Creek, but a 48-year-old lifetime resident
15 on Bear Creek with grandparents, brother-in-laws,
16 brothers and sisters, all living there for quite a
17 long time. 16 years ago we stood before this Boat
18 Act Advisory Committee for the same issue and the
19 survey was done, and I appreciate the fact that it
20 was done again. I would be surprised to know if
21 there's any more boat traffic in that creek. If

1 anything, from my observations over the last 16
2 years there is less. The only issue are the
3 restaurants. They bring new boat traffic in. My
4 question is are you willing to legislate our speed
5 limit for people that don't even live in the creek?
6 It is a for-profit membership club and I appreciate
7 the fact that they love the water and they spend a
8 lot of money for big boats, I truly appreciate
9 that. This isn't an issue of personal injury or
10 property damage. If it's an issue of property
11 damage, we have these gentlemen back here to
12 enforce that. If this is an issue of personal
13 injury, you're taking my children and forcing them
14 out into rougher water and a closer area and
15 putting them in danger over not being able to cook
16 properly or spilling a drink? I have three
17 minutes, I understand that.

18 MR. BUSH: I want you to address the
19 board and not address the audience.

20 SPEAKER: Okay. Well, everyone has been
21 complaining about not being able to hear, I want to

1 make sure they can hear me. Here's the other
2 issue: I am an avid skier, three, four days a week
3 for 20-plus years, and skiing out in front of the
4 boats. Thank you, I appreciate that. And well,
5 you know, you asked the question how many people,
6 if we slow down, and we are conscientious, then
7 what's the issue with doing the slower speed limit?
8 Hey, I'll tell you off a hundred feet from those
9 piers for 20 years, I did not do six knots, I was
10 waterskiing. Never had one complaint, the
11 gentleman have never issued me a ticket.
12 Responsible boating doesn't need to be legislated,
13 speed limit does not need to be legislated, and
14 I'll say this, the officer said if you lower the
15 speed limit to six knots it would make his job
16 easier. What would really make his job easy is if
17 you eliminated all boat traffic in that area. It's
18 just not rational. That's all I have to say, thank
19 you.

20 MR. BUSH: Thank you.

21 MR. MARSH: Annette, sorry, hon.

1 SPEAKER: That's all right.

2 SPEAKER: My name is Annette McGuire,
3 and I'm a grandmother, I grew up on the water. I'm
4 originally from Connecticut, so I've been near the
5 water or on the water for 63 years and I have my
6 grandson who lives with me, and I own a house right
7 on Bear Creek, I have one 31-foot boat in a slip in
8 front of my house and I also have a smaller ski
9 boat. And I appreciated hearing all the history of
10 the board. Most of you grew up on the water, most
11 of you were able to take advantage of all the
12 things that go on the water, and that's what I was
13 happy to give my grandson, the opportunities that
14 the water embodies, and I don't want that taken
15 away. The six-mile-an-hour limit is creeping and
16 creeping up the creek and it is forcing smaller and
17 smaller areas where you can have all that fun. I
18 kayak, I canoe, I do motorboating, but I sailed for
19 a year and lived for a year on a sailboat. I know
20 what the wake can do, I know how problematic it can
21 be.

1 The first rule I learned when I was
2 boating was one hand for the boat and one hand for
3 you. You do have to hang on no matter what. And
4 you're supposed to expect wakes at any time.
5 That's safe boating, and I think that people who
6 come and they live on their boats for the weekend
7 or for the week or doesn't really matter, that's
8 very nice, but they need to learn to hang on,
9 that's one of the rules. So I hope that this six-
10 mile-an-hour limit does not creep up.

11 The marina that we're talking about does
12 stick right out into a narrow area which I don't
13 know why it was even extended, but at any rate do
14 not legislate for the few. Most residents by
15 everybody's testimony are careful, so why would we
16 change the law for a few? I worked for the state
17 of Connecticut and I saw many, many mistakes made
18 when you try to legislate for the few. Just let us
19 enforce them, and if they can't be enforced, so be
20 it. I do slow down though when I go by those
21 boats.

1 MR. BUSH: Okay, thank you very much.

2 MR. MARSH: Charlie Cook.

3 SPEAKER: Good afternoon, Charlie Cook,
4 I am a resident and a property owner on Bear Creek,
5 have been for 45 years. I was born and raised
6 fishing and skiing and crabbing on Bear Creek. I
7 can appreciate the country club, we like the fact
8 that it's there, it's a beautiful place. We like
9 the restaurants that are in our creek that bring in
10 boat traffic and revenue. But the fact remains is
11 if the board can decide to change that limit and
12 take that area waterway away from our children,
13 away from our residents and move us outside south
14 of the peninsula bridge where these same boats, the
15 boats that are coming in for the restaurants and
16 Anchor Bay Marina are in 40-, 50-, 60-foot plus
17 boats at full tilt or cruising speed, they don't
18 have to slow up until they hit the six-mile-an-hour
19 buoy, which is less than 75 yards from the bridge.
20 Okay. That's where you guys will be voting on for
21 our children, in that waterway where these boats

1 and these bigger boats are coming. I agree, I own
2 a 30-footer. I have a 30-foot Sea Ray, I have a
3 23-foot Grady White and a 14-foot McGee Craft for
4 my kids. What I'm saying is if you move this six
5 mile an hour, like Dr. Mike was saying, it's a
6 safety issue, then you better think twice about it.
7 If it's a damage issue, provide documentation where
8 at any point in time what damage was done, you
9 know, what was proven that six mile an hour has
10 created any kind of damage. In 45 years of living
11 on this creek I don't know one death, I don't know
12 any major injuries, and I don't know of any major
13 damage done by a vessel doing over six miles an
14 hour. Now, they just did propose and move the
15 six-mile-an-hour buoys out in front of the marina.
16 That made perfect sense, environmentally,
17 safety-wise for boats fueling up, okay, I agree
18 that. But I challenge you to look at the map and
19 look where you're going to put the people that want
20 to use jet skis, that want to go waterskiing,
21 tubing or whatever and where are you going to put

1 them? Because that area that you're going to put
2 them in, there's a sandbar that comes off of the
3 side, there's a buoy there. That's a limited
4 amount of space that the big boats have to go into
5 that channel because they can't go to the left,
6 they have to go directly toward the channel of the
7 bridge, so that's what the concern is here.

8 The other thing is living on the water,
9 I work on my boats all day long, you know, weekends
10 and whatnot and during the week, I know I'm going
11 to get rocked, I know that waves are going to come,
12 I prepare for it. One of my boats is tied, one is
13 on a lift, I know from living on the water that's
14 what you deal with. Okay. So you know, I
15 appreciate these guys, but I have to say there's
16 over 600 homes on Bear Creek, there's 60 slips at
17 Sparrows Point Country Club. Okay. Most of these
18 guys, and I'm sure that they would agree, they're
19 only there Friday, Saturday and Sunday. Some of
20 them are probably there more often, but for the
21 most part they're a blue collar club, so that means

1 they're working Monday through Friday. There's
2 already a restriction in place, it's already six
3 mile an hour on Saturday, Sunday and holidays. I
4 appreciate -- I don't know where that gentleman
5 went that fishes and crabs because I fish and use
6 the waterways seven days a week. That means I
7 crab, I fish, I like the opportunity to get out of
8 my slip, get out to the Key Bridge, get out to my
9 crabbing spot and not have to do six mile an hour
10 all week long to be able to do that.

11 MR. BUSH: You made your point, very
12 good, and we appreciate it.

13 SPEAKER: Okay.

14 MR. MARSH: That's it.

15 SPEAKER: I guess that's all I have to
16 say.

17 MR. BUSH: Timed that just right then.

18 SPEAKER: I just want -- one more thing
19 that I forgot to say was that it's great being able
20 to watch your kids out there, on the boat, skiing
21 or whatever. When you move them way out to that

1 open water they're not where you can see them or
2 save them, so we're pushing kids out of areas too
3 much now, there's not enough area for them to
4 recreate close to home as it is, whether it's on
5 land or in the water. So please don't push the
6 kids out there where it's so unsafe. Thank you.

7 MR. BUSH: Yes, sir.

8 SPEAKER: I think I might have touched
9 on this, what you're proposing to do is going to
10 cause more problem for these gentlemen, because I
11 know when I come off a plane my boat brings wake
12 with it and if we stop at six mile an hour here,
13 our wake is going to continue and head right
14 towards the marina, it's going to actually cause
15 more problem if anything, and I'm just hoping my
16 point is made.

17 MR. BUSH: Yeah, sir, that's a good
18 point.

19 SPEAKER: I think it's --

20 MR. BUSH: Just a moment, sir. Thank
21 you.

1 SPEAKER: Thank you, sir. Thank you,
2 Mr. Bush.

3 SPEAKER: The boats that they're worried
4 about going fast, the slower they go the more wake
5 they cause, because the engines are in the back, so
6 they're sitting lower in the water. That's all I
7 have to say. Ones you put that speed limit in
8 place, you can't take it away and if you cause more
9 wake by putting that speed limit in place you're
10 screwing yourselves.

11 MR. BUSH: Okay, thanks again for your
12 comment. Now, if anyone wishes to have anything
13 else they wish to comment on in reference to Bear
14 Creek? One minute only. If not, I think we've
15 heard it all. A complete history of the issues
16 here. I think everyone, I hope everyone is
17 satisfied that they had an opportunity to express
18 themselves. Does anyone here have anything they'd
19 like to add, anyone that we did not call upon that
20 wishes to speak? You've already spoken, have you
21 not?

1 SPEAKER: Yes, sir.

2 MR. BUSH: You have one minute.

3 SPEAKER: 30 seconds.

4 MR. BUSH: 30 seconds, okay.

5 SPEAKER: Everybody's talking about time
6 to get out to their fishing grounds, we're only
7 talking about adding maybe four or five minutes to
8 that time frame for one, and number two, about the
9 safety for their kids, in front of our club,
10 between the bow of the boats over to the shoreline
11 and the piers on the other side there is not a more
12 unsafe place to ski if you get two skiers and a jet
13 ski out there, not a more unsafe place to ski,
14 which pushes them even closer to the marina.
15 That's all I have to say.

16 SPEAKER: Could we please ask this
17 gentleman if we observed what he's proposing to do
18 will not make more wake towards his boats? Can you
19 answer that for me?

20 SPEAKER: No, it will not.

21 SPEAKER: I'm sorry, I have to disagree

1 with you, sir.

2 MR. BUSH: Well --

3 SPEAKER: We agree to disagree.

4 MR. BUSH: That's why we're here, we do
5 have two different -- now, I don't want everyone in
6 the room to say I've got another comment to make,
7 but I want to recognize everyone because I don't
8 want anyone to leave here and say I didn't have a
9 chance to speak. If you're going to say something
10 that you said before, I would rather pass on you.

11 SPEAKER: No, I just -- mine is like a
12 question to this. Is it only, is the six-mile-an-
13 hour thing only in front of this, the country club?
14 Because he keeps saying that it's only going to
15 slow down that. I thought the six-mile-an-hour
16 proposal was six miles an hour on Bear Creek.

17 MR. BUSH: Bob, would you like to
18 comment on that?

19 MR. LUNSFORD: The request was from the
20 Wise Avenue bridge downstream to the existing speed
21 limit at Anchor Bay.

1 SPEAKER: That's a large, that's more
2 than just --

3 SPEAKER: That makes it worse.

4 MR. BUSH: I'll get to you. Do you have
5 a one-minute comment?

6 SPEAKER: I have a 15-second comment. A
7 gentleman touched on jet skis, there's already a
8 law implemented that says you cannot be within, I
9 believe it's a hundred yards from any --

10 MR. BUSH: A hundred feet.

11 SPEAKER: A hundred feet. Well, that's
12 already been taken care of, unless it's not being
13 policed properly, so that's the only comment I
14 have. Thank you.

15 MR. BUSH: One comment back here.

16 SPEAKER: Two quick things. One
17 regarding the waterskiers and jet skis, the boat
18 traffic during the week on the creek is very
19 limited as compared to weekends. Jet skiing and
20 waterskiing in that area is not a danger in any way
21 due to the very limited boat traffic. Second

1 comment, somebody commented on the poor location in
2 comparison to a lot of marinas and yacht clubs of
3 these particular boat slips, and I don't think
4 their location problem should be a regulation
5 problem for us.

6 MR. BUSH: Now, I'm going to take two
7 more questions on this issue. You are going to be
8 one and I'll take one more. So if anybody else
9 wants to speak, get your hand up as soon as he
10 finishes. Go ahead, sir.

11 SPEAKER: Not a question, just a
12 statement, I forgot to mention when I talked
13 earlier that I live within probably 200 yards of
14 Sparrows Point Country Club and I've had a dozen
15 different boats in the 40 years I've lived there,
16 two jet skis that my kids grew up on and enjoyed
17 out there, and I can say that I've never had an
18 ounce of damage. Every boat that goes by the
19 country club goes by my house. I've never had any
20 damage or anyone hurt because they didn't realize
21 that when the boat's in the water it's going to

1 rock from any wake.

2 MR. BUSH: Thank you very much for
3 emphasizing that again. Does anyone else have
4 anything else --

5 SPEAKER: I have.

6 MR. BUSH: Sir, I've tried to give you
7 more than your --

8 SPEAKER: As a property tax owner, sir,
9 I think --

10 MR. BUSH: Excuse me, I'm going to have
11 you as a last speaker. Go ahead, sir.

12 SPEAKER: If I was to take my boat and
13 run it at 30, I mean, excuse me, at 20 knots past
14 Sparrows Point Country Club and continue around
15 this to gentleman's house, his boat would be
16 sitting in his back yard when I went past because
17 that's the kind of wake my boat will throw. So
18 most people slow their boats down after they get
19 past our marina because it's narrow back in there.
20 Now, a lot of the folks don't, they slow down way
21 ahead of time and I agree that the drifting, the

1 following wake could be a problem, but it ain't
2 gonna be a problem if it's six miles an hour from
3 bridge to bridge, which only makes sense because
4 that body of water is just too small for that type
5 of speed.

6 MR. BUSH: Okay. Now, I'm going to keep
7 my word and you're the last speaker on this issue.

8 SPEAKER: Thank you. Thank you, sir.

9 MR. BUSH: You have one more minute.

10 SPEAKER: We have a lot of property
11 owners here that pay a lot of property taxes. We
12 have a right to use that area. It's for safety
13 issues, and again, I have to say again, this will
14 actually cause more of a problem and for the safety
15 of -- I know I ride my jet ski and I won't even go
16 out past there because you can't because of the
17 issues with the wake. Anyway, this is just
18 unreasonable to be asking the property owners to
19 have to take and do this, it's very unreasonable.

20 MR. BUSH: Thank you very much. We have
21 now heard all the testimony concerning Bear Creek.

1 We have a couple others here, Marley Creek and
2 Furnace. And we're going to combine those two
3 together, correct? Now, before we get started with
4 that, we'll let everyone who wishes to leave to
5 leave so we don't interrupt the other testimony.

6 (Pause in the proceedings.)

7 MR. BUSH: Would you please identify
8 yourself, sir?

9 SPEAKER: My name is Steve Heinl and I'm
10 a lifelong resident of Point Pleasant Shoreland
11 community and also a lifelong boater.

12 MR. BUSH: One, second, sir. I'm going
13 to suggest that anyone in the back, in the rear, if
14 you move up a little forward you're going to be
15 able to hear everyone. That -- I will be able to
16 hear and you'll be able to see them. So if you'd
17 like to move forward you can.

18 (Discussion held off the record.)

19 MR. BUSH: Very good. Okay. Now, you
20 identify yourself again, sir, and go ahead.

21 SPEAKER: My name's Steve Heinl, I'm a

1 lifelong resident of Point Pleasant Shoreland
2 community, also a lifelong boater of Marley and
3 Furnace Creek. The speed limit was proposed, I'm
4 not sure why. This is a very low populated creek,
5 both of them, there's only houses on one side. If
6 you can see on the diagram there, it's like a
7 peninsula going out, that's the houses. Both the
8 opposite shores are no houses, it's all woods.
9 They're wide creeks, there's plenty of room for
10 waterskiing, jet skiing, boating, it can be done
11 safely, and it's not even populated by very many
12 boats. It's very, very low use, which I'm very
13 surprised that somebody complained about it and I
14 don't know even why we're here, but basically what
15 these people have been saying, I don't know why
16 it's being asked for, I'm not sure.

17 MR. BUSH: Well, just for your
18 information, we have no one here that signed up
19 supporting the change. All the people who are here
20 are opposing the change. And you are number 1, so
21 now we're going to go to number 2.

1 SPEAKER: Okay.

2 MR. BUSH: Thank you.

3 SPEAKER: I have a question, though, if
4 I could -- I have a question.

5 MR. BUSH: Yes.

6 SPEAKER: I understand that one person
7 wrote a letter asking for the speed limit. You
8 guys should have possession of that letter.

9 MR. LUNSFORD: Mr. Chairman, the
10 department received a petition with 19 signatures
11 requesting this action on Marley Creek. On Furnace
12 Creek Delegate Schuh called in and asked us to
13 review the situation on Furnace Creek in
14 conjunction with our review of Marley Creek.
15 That's why the two creeks are being reviewed.

16 SPEAKER: You won't get my vote.

17 SPEAKER: I'm not a speaker, I'm not a
18 good speaker, but I got a petition, as soon as I
19 found out about this, when the buoys were posted
20 and I started, I got I think 240-some signatures
21 against this speed limit and I started in the

1 Margate area which the people would most be
2 effected by a speed limit because they would have
3 the furthest to come out, and out of the first 69
4 homes that I went to 66 people signed up against
5 it. That's how overwhelming people are against
6 this. So again I'm surprised that we're even here
7 having this.

8 MR. BUSH: Thank you.

9 MR. MARSH: Doris.

10 SPEAKER: Passing.

11 MR. MARSH: Ernest.

12 SPEAKER: Pass.

13 MR. MARSH: Betsy.

14 SPEAKER: Betsy Wirick, I live at the
15 very end of Furnace Creek, the area is Twin Coves.
16 And as I said, I just really can't understand why
17 you're putting this in here. I am against the
18 speed limit put in there. As the people from the
19 other rivers said, if you put a speed limit on
20 Furnace Creek and on Marley Creek, you'll send all
21 the boaters, the tubers and the jet skiers out into

1 Curtis Creek and you will kill somebody out there.
2 I know a month ago on the 7th of August there was
3 an incident out there in Curtis Creek against a
4 boat, well, boat versus jet ski, a young man was
5 hit out there and seriously injured, you know, and
6 if anyone knows anything about that incident I
7 would really like to know about it because we're
8 really trying to find out what happened there. It
9 actually is my son and he's doing great.

10 Now, also, these two creeks are very
11 special and very different from the other creeks.
12 Both creeks have been closed for over 30 years due
13 to high bacteria counts, so we can't swim in it,
14 the only thing we can do is look at it and do
15 limited boating on there, you know. Are you going
16 to reduce our property taxes if you take away this
17 privilege? You know, I'm very concerned about
18 that. Years ago we went with the health
19 department, the late Dr. Beard actually told us he
20 doubted if Furnace Creek would ever be open due to
21 the Glen Burnie landfill and the carcinogenics that

1 are coming off there at a constant. It is being
2 monitored and the county is doing a great job over
3 there. Years ago the politicians promised us we
4 would always have that landfill there, so we always
5 have that convenience center.

6 As the other gentlemen said, the
7 wonderful side of Furnace Creek is mostly woods and
8 Marley is the same way, so I do -- I'm very much
9 against it. I do not want to see that privilege
10 taken away. We pay high property taxes because we
11 are owners on there. I have been over there almost
12 50 years and it's been nice to see my kids and now
13 my grandchildren be able to go out there and use a
14 jet ski or a small boat. At six miles an hour they
15 cannot do that, they will have to be out there in
16 Curtis Creek, which means I'll have to get another
17 boat because I want to be out there with them in
18 case something happens.

19 MR. BUSH: Thank you very much.

20 MR. MARSH: Joyce.

21 SPEAKER: I agree. Schiebe?

1 MR. MARSH: Yes.

2 SPEAKER: I'm not going to go any
3 further, I agree.

4 MR. MARSH: Howard.

5 SPEAKER: Same thing.

6 MR. MARSH: Howard.

7 SPEAKER: I agree with her. My wife and
8 I were both signed up, you just called her.

9 MR. MARSH: You can --

10 SPEAKER: This is John.

11 SPEAKER: I'm John. Basically all I
12 wanted to add to that is weekends, that's when the
13 Coast Guard yard and the Army, U.S. Army depot,
14 they're weekend warriors, they're in and out with
15 their boats on weekends too, so that's all going to
16 be added to Curtis Creek, which is probably about
17 the same size as Furnace Creek or Marley at their
18 widest point, so you're going to be forcing all
19 that activity out there.

20 MR. BUSH: Thank you.

21 MR. MARSH: Lisa.

1 SPEAKER: I'm totally against the speed
2 limit and I would like to know where the 19 people
3 are that are for it?

4 MR. MARSH: David.

5 SPEAKER: I'm a property owner and I'm
6 against it, and if they send everybody out in one
7 little area, like I hear for Stoney Creek once in a
8 while, from Stoney Creek Bridge to the rocks,
9 everybody from Stoney Creek and Nabbs Creek is
10 trying to jet ski and tube in this one little area
11 and it's very dangerous and I wouldn't want to see
12 that happen over here, and that's about all I have
13 to say. I'm totally against it. I'm in business
14 on Furnace Creek and I live on Marley Creek, I'm a
15 resident my whole life and that's all I have to
16 say.

17 MR. BUSH: Thank you very much.

18 MR. MARSH: Joe? Janey? Ron, is there
19 a Ron? Scott.

20 SPEAKER: I want no speed limit,
21 unlimited speed limit.

1 MR. MARSH: Okay. Steve, Steven.

2 SPEAKER: Steven Heinl, Steven junior
3 actually, and I've also lived on, in the Point
4 Pleasant neighborhood my whole life, used the creek
5 two or three times a week this summer and enjoyed
6 it very much. I really enjoy being able to go out
7 right off the pier, go out there, not many people
8 weekend or weekdays, so I think a speed limit is
9 unnecessary here because low population density
10 like my dad said, just emphasizing the fact that
11 it's really nice to be able to go out right in
12 front of your own house, no wake damage from boats
13 on piers, hardly anyone on those -- less than half
14 the houses that live on our creek even have a boat
15 at their pier. So there's no issue there with
16 wakes. Just a concerned citizen, and I can respect
17 that on the other side, but also maybe just over-
18 concerned in this particular instance. Thank you
19 for your time.

20 MR. BUSH: Right now there is only one
21 side that we're hearing from.

1 SPEAKER: Sure, I know.

2 MR. MARSH: For it.

3 MR. BUSH: No one here for the change.

4 SPEAKER: Is there another hearing after
5 this in the event that these people didn't show up?

6 MR. PARLIN: No, this is it.

7 SPEAKER: When I spoke to Mr. Lunsford
8 he mentioned that additional things are being
9 considered in addition to people opposed, like
10 environmental, so I think the people against are
11 stating reasons that may hopefully overturn other
12 issues that aren't safety related or personal
13 issues.

14 MR. BUSH: Bob, would you like to stand
15 up and make a comment?

16 MR. LUNSFORD: I hate to be thrust in
17 the role of supporter, but I did interview the
18 gentleman that sent in the petition, Mr. Booker,
19 he's the manager of Captains Choice Marina, which
20 is a marina on Marley Creek, and they have a
21 problem similar to what you all heard at the Bear

1 Creek, Sparrows Point situation where boats going
2 by are causing wake problems within their marina
3 facility. We do have a -- in your packages there
4 should be a letter from the shoreline erosion
5 control folks. If you read the last paragraph you
6 see that the boat wake is probably not a major
7 contributor to any shoreline erosion. There is
8 also in your package a totals page where we kind of
9 totaled up signatures. There's an arrow on that,
10 apparently we missed a page with 40 additional
11 signatures opposing the Marley Creek speed limit so
12 there's 40 additional signature in addition to that
13 168 that's reported on your totals sheet.

14 MR. BUSH: Thank you, Bob.

15 SPEAKER: I have one question, the
16 marina that he's talking about, there's one boat
17 there.

18 MR. LUNSFORD: No, there's several.

19 SPEAKER: Ten boats there. Eight or ten
20 boats there.

21 MR. BUSH: Excuse me, only one person

1 can speak so we can all hear you. Now, just a
2 second, please. Bob, do you have any more comments
3 to make about the number of boats or do you know?

4 MR. LUNSFORD: I believe, I think I
5 counted 15 boats at Captains Choice Marina.

6 MR. BUSH: Okay. Now, are you
7 challenging what he just said?

8 SPEAKER: I just want to know where that
9 marina is. I must know it by a different name.

10 MR. LUNSFORD: As you come down into
11 Marley Creek, the first marina on the right.

12 SPEAKER: Got it.

13 MR. BUSH: One second, sir. You have a
14 comment.

15 SPEAKER: I was going to tell her it's
16 the Driftwood Marina. Right at the Driftwood.

17 MR. BUSH: Yes, sir.

18 SPEAKER: If that marina has the owner
19 and 15 boats, at least one of them could have been
20 here, at least one, if they were that concerned to
21 send in a petition. And also, a few years ago we

1 entertained this idea again and we all went through
2 the same process and we fought it and we succeeded.

3 MR. BUSH: Okay.

4 SPEAKER: I mean is this an every year
5 thing or every other year thing? Because I might
6 have to get a part-time job so I can keep coming.

7 MR. BUSH: Bob, did you want a make a
8 comment on this?

9 SPEAKER: This is ridiculous.

10 MR. LUNSFORD: Areas can be reviewed as
11 often as every three years.

12 MR. BUSH: Every three years, so you
13 won't have to move this way for about three years.
14 So anyway, do we have any more?

15 MR. MARSH: Betty.

16 SPEAKER: I don't have --

17 MR. BUSH: If everyone has already heard
18 what you want to say --

19 SPEAKER: My name is Betty Allison and
20 I've been a homeowner since 1984.

21 MR. BUSH: Excuse me, speak a little

1 louder so they can hear you.

2 SPEAKER: My name is Betty Allison, I've
3 been a homeowner on Furnace Creek since 1984, I've
4 been on Marley Creek and Furnace Creek for over 50
5 years. I don't look that old, but that's the case.
6 I agree with everything that everybody is saying,
7 I'm against, totally against the speed limit sign,
8 but I felt so strongly that I just had to stand up
9 and say that I want my grandchildren to have the
10 same opportunities that I had, that my son had and
11 that I had as a child to be able to use those
12 waters, and if we have to go out further it will
13 not be as safe because the waters are rougher and
14 the boats are bigger.

15 MR. BUSH: Thank you very much for your
16 comment.

17 MR. MARSH: Ross.

18 SPEAKER: Couple of notes. A letter
19 from my father, who unfortunately couldn't be
20 here -- make it quick -- please know my family and
21 I are opposed to a speed limit on Marley and

1 Furnace Creek as indicated by the buoys on the
2 waterways. We have safely enjoyed waterskiing,
3 tubing and wakeboarding here since about 1980. We
4 find it one of the calmer, less traveled areas to
5 safely enjoy water sports near. It is regrettable
6 that a death resulted from an accident here
7 involving drugs and alcohol and poor boat handling
8 and manners. However, this tragedy should not be
9 magnified by preventing other responsible boaters
10 from enjoying sports in these areas, for which we
11 bought our boats. Most of the other potentially
12 suitable areas near Baltimore for waterskiing are
13 either shallow, too dirty, too polluted, too busy
14 or already speed controlled. We will continue to
15 do our part to teach proper boating and handling to
16 others and our children. We benefit from many
17 hours of family togetherness as a result of being
18 able to enjoy these areas to their fullest.

19 Comments of my own. I'm 25, I learned
20 to waterski on this creek 20 years ago and I've
21 been doing so ever since, weekends, weekdays, and

1 it's why I have my boat, that's why I'm there every
2 weekend to enjoy and I'd like to continue to do so.
3 Thank you.

4 MR. BUSH: Thank you. Now, I -- that
5 was the -- do you have a question?

6 MR. DWYER: I've got a comment, but I'll
7 wait.

8 MR. BUSH: We have gone through the
9 speaker list so if you have a comment to make you
10 can make it now. You have two minutes, go right
11 ahead.

12 MR. DWYER: How come they get three and
13 I only get two?

14 MR. BUSH: You're on the board.

15 MR. DWYER: I just like to say that this
16 is refreshing to me as a board member. Most times
17 we hear homeowners express they want regulations
18 and want the creeks and rivers shut down, and you
19 all live on there, you want to keep it open and use
20 it. Like I said, it's refreshing to me. Thank
21 you.

1 MR. BUSH: Now, if we have no more
2 speakers we have just about --

3 SPEAKER: Could I make one comment, I'm
4 sorry, just one?

5 MR. BUSH: Sir, stand up, please.

6 SPEAKER: Okay. Just to expand on that
7 is we're not only speaking for the homeowners,
8 we're speaking for the people that don't live in
9 the area that come, as this gentleman here comes a
10 long ways to use this waterway. A lot more people
11 probably would be here speaking against it but they
12 don't even know about it, they ride past the buoy
13 and don't read what it says or don't know what the
14 number means or whatever.

15 MR. BUSH: Sir, the main thing is that
16 all of you had a chance to express themselves
17 except one gentlemen that has his hand up there and
18 wanted to add one more word.

19 SPEAKER: I just wanted to add my name
20 to the list, I wasn't on the list.

21 MR. BUSH: All right. And sir, do you

1 want to add your name or do you want to speak?

2 SPEAKER: I want to just say a little
3 comment.

4 MR. BUSH: Sir, would you mind standing
5 up?

6 SPEAKER: My name's Rod Tagovich, I live
7 on Furnace Creek and I've been in and around this
8 creek quite a few years and probably 40 percent of
9 the residents have their boats on a lift so they're
10 not affected by any wake anyway.

11 MR. BUSH: Okay. Always like to have a
12 meeting in which everyone feels they had an
13 opportunity to express themselves. If everyone had
14 that opportunity, which I think that's happened, I
15 want to thank everyone for coming. Now, what we're
16 going to do next is we're going to adjourn for
17 lunch. We will come back in here, we will have
18 executive session and any of you who would like to
19 come back and be present to hear us discussing the
20 issues that you have heard, you will not have an
21 opportunity to say anything, but you will have a

1 firsthand knowledge of how we conduct our business.
2 All our business is aboveboard. So hearing no more
3 comments, I think we'll adjourn about 30 minutes.
4 You think that's good enough, Bob?

5 MR. LUNSFORD: I'm not that hungry.

6 (Luncheon recess.)

7 MR. BUSH: Hello, everyone. I think
8 we'll get started again. Now, let's see, I'm
9 looking for Bob, did he step out for a second?

10 MR. MARSH: Might have.

11 MR. BUSH: Okay, well, let's see. What
12 we can --

13 (Discussion held off the record.)

14 MR. BUSH: We're getting ready to start
15 again.

16 MR. LUNSFORD: Okay.

17 MR. BUSH: And are we still waiting on
18 the airport or are they here yet?

19 MR. LUNSFORD: We have a representative
20 here.

21 MR. BUSH: All right. You want to make

1 any additional comments before we get into the
2 discussion?

3 MR. LUNSFORD: The only thing I'll point
4 out, and I think this echoes what Bob said earlier,
5 is the distance from this point B to the day marker
6 measured with my laser range finder was 82 yards.
7 Louis Wright plotted it using the coordinates given
8 by the airport folks and then the Coast Guard
9 coordinates with the day marker, he got 86 yards,
10 so given the vulgarities(sic) of my range finder
11 and the width of my boat, that's probably about
12 right. I'll also tell you that's less than the
13 width of the channel at Solomons Harbor, just as an
14 observation and comparison.

15 MR. BUSH: That's the only comment?

16 MR. LUNSFORD: That's it.

17 MR. BUSH: Okay, I'll open the
18 discussion up.

19 MR. McLEAN: Do we have a motion first?

20 MR. BUSH: I was going to suggest that
21 we go with a discussion and then go for the motion.

1 Go ahead.

2 MR. MARPLE: The map that came down
3 through here is different than the map --

4 MR. LUNSFORD: Yeah, John, on the chart
5 that was originally supplied, in order to comply
6 with the minimum requirements by the FAA there was
7 a dogleg between the northern point and the kind of
8 midpoint in the river, which is what you saw. I
9 straightened it out for regulatory purposes.

10 MR. MARPLE: This is straightened out
11 here?

12 MR. LUNSFORD: Yeah, this is
13 straightened out. The one you saw that I handed
14 out or that was circulating around here somewhere
15 was the original one that the airport folks
16 supplied to me and --

17 MR. MARPLE: I passed it on down through
18 here.

19 MR. McLEAN: I took it back to Bob.

20 MR. KLOOSTRA: I'll make a motion that
21 we approve this as written and then move forward.

1 MR. McLEAN: Second.

2 MR. BUSH: Open for any discussion.

3 DR. WEINTRAUB: I second it.

4 MR. DWYER: I disagree with it, I think
5 like we're creating -- giving airplanes' safety
6 we're taking away from watermen, we're taking away
7 from boaters and creating safety issues for the
8 boaters and the one -- I know that FAA is saying
9 it's all the time, am I correct?

10 MR. LUNSFORD: That was my understanding
11 from the meeting I attended.

12 MR. DWYER: I think if we went back with
13 a nay they might be open to the offer of being
14 sailboats only.

15 MR. MARPLE: Then why don't we go with
16 that.

17 MR. DWYER: The motion is to accept it
18 as written. That was my motion to do it sailboats
19 only.

20 MR. BUSH: The motion on the table is --

21 MR. KLOOSTRA: You're doing the

1 discussion right now.

2 MR. DWYER: Yeah, discussion.

3 MS. DUTY: Yeah, we have discussion.

4 MR. DWYER: You've got a motion on the
5 floor to accept the proposal from the FAA.

6 MS. DUTY: There should be discussion on
7 it before we take a vote.

8 MR. DWYER: We have to have a motion to
9 have a discussion.

10 MS. DUTY: John wants to take a vote, I
11 don't want to take a vote yet, I want to talk.

12 MR. BUSH: Go ahead.

13 MR. JONES: I'd like to understand the
14 total runway question. There was some question
15 about the length of the runway, usable runway and
16 all, I'd like to understand that a little bit.

17 MR. LUNSFORD: Wayne, would you --

18 MR. SCHUSTER: Thanks a lot for having
19 us. I'm Wayne Schuster, I'm director of planning
20 and environmental services for Maryland Aviation
21 Administration, I handle both BWI and Martin State

1 Airport.

2 The runway is 8100 feet long. The
3 National Guard constitutes about 50 percent of the
4 annual usage of the airport and they have stated to
5 us numerous times that they cannot afford to lose
6 any runway length. They are not 100 percent
7 supportive of our plan because we are proposing to
8 remove runway length from them. When we, we looked
9 at the situation, we're in between a rock and a
10 hard spot. We've got the Guard that would like all
11 8100 feet, that's the safest operation for them.
12 We have the corporate users with the business jets
13 that would like to have as much as possible,
14 although they have stated to us that they can live
15 with this situation. Okay. We are challenged by
16 the Federal Aviation Administration regulations and
17 for them we've tried several different things.
18 We've tried to look at radar systems that would
19 sense boats, we've spent several hundred thousands
20 of dollars to try to study this issue to come up
21 with a compromise. The FAA is staunch in their

1 requirement that it must be foolproof and we do not
2 have a 24-hour tower, airport control tower
3 staffing. The -- even if we did, the traffic
4 controllers, their total responsibility is to deal
5 with pilots and air safety. They're not in the
6 business of even understanding what they would do
7 if they got a phone call would they stop an
8 airplane that's already on the approach, they don't
9 know how to manage that conflict, and so the FAA is
10 saying it is what it is, is what it is. The math is
11 we have to establish point C, we have to establish
12 point B, and because of that localizer location we
13 have to establish point D. So what Bob was
14 alluding to is that -- and I don't have a pointer,
15 I'm sorry.

16 MR. GAUDETTE: Right behind you.

17 MR. LUNSFORD: On the top of the podium.

18 MR. SCHUSTER: The initial proposal,
19 indeed you see this point B, this is the 60-foot
20 line as Mr. Shawn Ames was talking about today, our
21 original proposal was to create a line down here,

1 come down to the red line and then come over to C,
2 so we originally had this notched out but it was
3 conveyed to us that it's very difficult to enforce
4 these either imaginary lines or these physical
5 boundaries in the water. So that's where in
6 discussions the rounding of the line came up.

7 So from a pure FAA prospective this part
8 of the waterway probably is, is not a concern to
9 the FAA because again we're protecting for a
10 60-foot boat in this area right here. So if there
11 was some way to mark the waterway with that reverse
12 Z, if you will, we're certainly amenable to that,
13 we want something that is enforceable and the FAA
14 must have something that's enforceable, that is
15 what they put upon us.

16 Did I clarify the runway length issue or
17 is there still some more questions that I could
18 help you with--

19 MR. BUSH: You go first and then you go.

20 MR. JONES: I'm finished.

21 MR. McLEAN: Do you have a reaction to

1 what was said from the other end about just banning
2 sailboats and saying no sailboats through there
3 period?

4 MR. SCHUSTER: My reaction is that it's
5 really the FAA saying we have photographs that show
6 60-foot boats that are within this red area.

7 MR. McLEAN: Uh-huh.

8 MR. SCHUSTER: Keep in mind these are
9 slopes so as you get closer, you know, is it 45, is
10 it 42, is it 48? I mean the degree of certainty of
11 the boat is really up to the boating community.
12 How can you guarantee to the FAA that a boat won't
13 transition in that area that is of penetration to
14 that slope? That's the issue for them, so for them
15 they're absolute, they're saying there are 60-foot
16 boats in this channel area and therefore we need to
17 protect them. So if there was a way to graduate it
18 according to the slope, we are open to that, but we
19 don't know of any way. We have spent a lot of time
20 and money to research it.

21 MS. ALLISON: First of all, you're using

1 the term 60-foot boat, don't you mean 60-foot mast?

2 MR. SCHUSTER: Yeah, I'm sorry.

3 MS. ALLISON: I just want to make sure.

4 MR. SCHUSTER: I do go on the water but
5 I don't have a boat.

6 MS. ALLISON: And what the proposal was
7 earlier was that the fact that 60-foot mast height
8 boats can only be in the channel but boats that
9 could get under say a bridge, a barrier that had
10 15-foot, 20-foot clearance should be able to go in
11 and out of there.

12 MR. MARPLE: That's going to cause a lot
13 of problems with enforcement.

14 MS. ALLISON: Not if there's a barrier.
15 If you can get under it, you can go under it. If
16 you can't, you can't.

17 MR. MARPLE: You had no sailboats in
18 there at all though. I didn't think that's what
19 you said.

20 MS. ALLISON: No, no, no sailboats in
21 that area at all, but boats, small powerboats, even

1 boats up to 35 feet probably, maybe there's an
2 occasional sportfish that might have big outriggers
3 that could violate that, but generally even most
4 small sportfish is going to be able to get under
5 that.

6 MR. BUSH: The problem with the FAA
7 standpoint is they don't want to create area, they
8 don't want maybe or just occasionally, that's the
9 wrong answer, they don't want any boats in there
10 that could conceivably violate what they consider
11 the safe zone; am I correct?

12 MR. SCHUSTER: Yes, you're right, they
13 need a guarantee.

14 MS. ALLISON: Again, for how many times
15 does the National Guard use this, how much is that
16 used, I mean you're regulating against a whole
17 group of people, including the watermen that --

18 MS. DUTY: Yes.

19 MS. ALLISON: And you're creating an
20 unsafe area for boaters, who we're trying to
21 protect, where there might be some kind of

1 negotiation possible here.

2 MR. SCHUSTER: If I can just help you
3 there. The instrument landing system is used
4 anytime there's inclement weather, when the clouds
5 dictate it, pilots typically file flight plans that
6 may be coming from any city in the country or
7 international. They file a flight plan that is
8 based on that approach. They hope it's visual
9 conditions, but they fly for that --

10 MS. ALLISON: My opinion is I don't
11 think this is either/or, I think you can have it
12 both ways.

13 MR. SCHUSTER: I'm struggling for that
14 too.

15 MR. BUSH: Yes, I'm sorry.

16 MR. DWYER: Could I just ask, to make it
17 where it has to be no boats, how you plan on doing
18 that except for putting some type of fence, whether
19 it be a buoy and lines or a cable, there's just --
20 because they say you can't have a boat in there
21 doesn't mean boats are not going to go in there

1 unless you put a fence up.

2 MR. SCHUSTER: Maryland Aviation is not
3 the expert here.

4 MR. DWYER: We know that. I mean I just
5 don't, I don't see any other way to implement it
6 without causing a safety factor, being a cable or
7 buoys with ropes, safety factor too for the boats
8 that are out there running at night and hitting one
9 of those things. I'm going to vote against it just
10 for my own conscious. If somebody is hurt because
11 we're letting an airplane come in and you've got
12 seven or eight hundred boats trying to go in and
13 out of that river.

14 MS. DUTY: John.

15 MR. BUSH: Yes.

16 MS. DUTY: I keep hearing everybody say
17 well, you know, to enforce it, it's easier to
18 enforce keeping everybody out, and it's, you know,
19 just in the best interest of those people. The
20 watermen have been fishing in there for longer than
21 Martin State Airport has been there I'm sure. And

1 you keep hearing things saying well, it's not fair,
2 we heard it today, it's not fair. Well, this is
3 definitely not fair, because these watermen -- I
4 mean is there someone going to compensate them for
5 their fishing that they can't do, is the airport
6 going to do that? I mean when you close off an
7 area to a waterman and the people that are fishing
8 catfish in fyke nets November through March, I
9 don't know, there's not that much other boating
10 activity in November through March, but these
11 fellows go out early, they're out by 7 o'clock,
12 they're in by daybreak usually. There's nobody at
13 Martin State Airport. Somehow we need to make some
14 sort of an arrangement if for no other reason, and
15 I represent the watermen and that's what I'm going
16 to do here, I'm representing Danny Beck and the
17 Baltimore County watermen because that's my job,
18 but we need to definitely consider not what's easy
19 and not what's convenient and nobody wants to
20 interfere with safety, but who's looking out for
21 these guys? I mean you're taking a livelihood away

1 in a particular area for a particular period of
2 time and as hard as it might be to enforce
3 something, it's harder for a waterman to make a
4 living these days. And so just arbitrarily to take
5 their advantage away and not give them something
6 else to compensate or another area to work, which
7 is not possible in the state of Maryland today the
8 way things are going with DNR -- excuse me, Bob,
9 but that's the way it is -- but the problem is --
10 and I'm going to have to stand here and fight for
11 them and we'll do whatever we need to do. We can,
12 you know, have Danny Beck come before somebody and
13 try to explain even better what they do, but I'm
14 going to go down fighting on this one because I
15 don't often come before this board with something
16 that directly affects the commercial fishing
17 people.

18 MR. SCHUSTER: We appreciate that very
19 much, we appreciate the impact that we're having.
20 We felt we were proposing something -- we're giving
21 up 770 foot of runway.

1 MS. DUTY: And my guys are giving up
2 part of their paycheck.

3 MR. SCHUSTER: We're trying to affect
4 250 feet of water, so we tried to find a balance
5 between --

6 MS. DUTY: Well, well, I don't think
7 anybody in here would want someone to come up and
8 say it's easier to get you guys out of here so
9 we're going to take maybe, you know, 10 percent of
10 your income away this year because it's easier to
11 get you out of there than to work with you. That's
12 what it comes down to. So we're not going to let
13 that happen.

14 MR. BUSH: We have another comment.

15 MR. PARLIN: I've got two of them. And
16 Betty, please don't take this wrong, but if it's so
17 important to the watermen, where are they to argue
18 the fact? And I know you are here --

19 MS. DUTY: I represent them. Well, for
20 one thing, it's crabbing season and they're also
21 fishing.

1 MR. PARLIN: I know they're working.

2 MS. DUTY: I sit here representing them.

3 No offense.

4 MR. PARLIN: It's 500 feet, 10 percent
5 of their paycheck?

6 MS. DUTY: I just pulled that out, but I
7 mean the thing is --

8 MR. PARLIN: That's why I asked that
9 question earlier.

10 MS. DUTY: It is part of their income
11 structure and what they do and never is anybody
12 standing up saying we're going to take this away
13 but we're going to give you this and that never
14 happens, and little by little, inch by inch, fyke
15 pot by fyke pot they're backing up, and I think
16 that we need to stand up at some point and say wait
17 a minute, there's gotta be a way to accommodate
18 these small boats that are there from November to
19 March setting fyke nets, there's gotta be a way
20 somewhere in the scheme of everything that that
21 could work.

1 MR. PARLIN: Could I finish?

2 MS. DUTY: No.

3 MR. PARLIN: I was being devil's
4 advocate in some ways because I also don't know
5 that we should be moving forward without all the
6 information from the FAA to know is there a happy
7 medium, because, you know, what we're hearing is
8 they want a positive control, but again, the
9 positive control is putting up a chain link fence
10 out there to keep any boats from coming in and shy
11 of that we can put up a buoy that says no boats,
12 but somebody can violate it, but we can also put up
13 a buoy that says no sailboats. So if that's
14 acceptable, is that a positive control on boats
15 with height, so could we table it to find out?

16 MR. BUSH: Thanks for your comment, yes.

17 MR. KLOOSTRA: Let me understand
18 something, somebody decided to give up 770 feet of
19 runway so that this area wouldn't be way over here
20 over this marina?

21 MR. SCHUSTER: Correct.

1 MR. KLOOSTRA: So they backed up 770
2 feet and if they go back another 50 or 60 feet that
3 line would be where this white one is now instead
4 of out in the water, and if they've already given
5 up 770 another 70 isn't going to hurt.

6 MR. DWYER: And they went --

7 MR. BUSH: Well, comment, the National
8 Guard has said that they need all they can get.

9 MS. DUTY: So do my guys.

10 MR. KLOOSTRA: They can keep working but
11 they would like to have 8100 feet.

12 MS. ALLISON: I'd like to have a million
13 bucks.

14 MR. SCHUSTER: Their mission changes and
15 the aircraft that they can use at this airport
16 changes with the reduction of length. It's
17 critical, it's mission critical. I'm just telling
18 you what I've been told.

19 MR. BUSH: Is that all?

20 MR. KLOOSTRA: I just wanted to raise
21 that. As long as I got the floor, how many acres

1 are we talking about here, how deep is the water?

2 MR. LUNSFORD: 3.2 and it runs fairly
3 deep to shore.

4 MR. KLOOSTRA: So it's attractive to big
5 boats.

6 MR. LUNSFORD: It could be, in the
7 20-foot whaler I can put the nose on shore and
8 still have four feet on the stern on most of that
9 shoreline.

10 MR. BUSH: John.

11 MR. FERMAN: Two questions, what about
12 the other end of the runway, could you extend the
13 runway to --

14 SPEAKER: No, we're squeezed by the
15 Amtrak lines and Eastern Boulevard is right there.

16 MR. FERMAN: Bob, from what you've
17 heard, wanting to get a small boat in there and
18 maybe, you know, 20, 30 feet above the water versus
19 a 60-foot mast sailboat, can you imagine any way
20 that we can accommodate that through buoys or cable
21 without creating navigational hazards?

1 MR. LUNSFORD: One of the cleverest
2 things the airport folks did was invited me to a
3 meeting back in March that was attended by the FAA
4 and several of the airport customers. My
5 impression from talking to the FAA folks during one
6 of the breaks was they weren't giving the airport
7 folks any wiggle room at all. This area would be
8 closed or the ILS, whatever it is they turned off
9 would stay off, and they didn't have any reason to
10 flinch at all. So my impression at least as far as
11 the representative that I talked to was this was an
12 all or nothing proposition. If this weren't a
13 positive control area -- and they were satisfied
14 with positive control being signs on the shore and
15 a buoy, or a buoy line, they were satisfied with
16 that provided NRP stayed on station, and the NRP
17 boat is just off the graphic there. They thought
18 that pretty soon the word would get out and that
19 would be satisfactory. But they were unbending,
20 they didn't want to talk about compromise, they
21 didn't want to talk about jet skis going through

1 the area at high speed, they didn't want to talk
2 about anybody soft crabbing down that shoreline.

3 MR. SCHUSTER: Can I just add one more
4 thing about the runway length?

5 MR. BUSH: Yes.

6 MR. SCHUSTER: There is a thousand foot
7 on the north end that's also being affected because
8 of the Amtrak lines, so if you do the math, 8100
9 feet reduced by a thousand feet on the north, that
10 takes it down 7100 feet, and reduced by 770, so I
11 don't know, 63, 64 hundred. All the corporate
12 users want 7,000 feet, they have to have 7,000
13 feet. We're already squeezing them and so we're
14 squeezing the utilization of Martin State Airport
15 to the state and the Guard is not happy with
16 either.

17 MR. BUSH: Okay.

18 MR. SCHUSTER: Thank you.

19 MR. BUSH: You made your point, you have
20 made your point. Okay.

21 MR. DWYER: Maybe I didn't, maybe I did.

1 MR. JONES: Some people have mentioned
2 that you could put a wire across there and then no
3 boats over 60 foot go in there.

4 MS. ALLISON: Over 30.

5 MR. JONES: Depends upon how low the
6 wire is.

7 MR. BUSH: That's impractical, that's --

8 MR. JONES: That may be impractical, but
9 maybe not a laser fence, that might not be
10 impractical.

11 MR. LUNSFORD: That would require some
12 sort of mandate as I understand it, and we talked
13 about that -- you would have to have somebody that
14 if somebody violated that area to tell them to go
15 get out before you could bring a plane in. The
16 tower is not manned and the little light goes off
17 and --

18 MR. DWYER: The cannon goes off.

19 MR. JONES: You have to have lights and
20 loudspeakers to tell them to go out.

21 MR. SCHUSTER: The laser would actually

1 cut the mast as it's coming through.

2 MS. DUTY: Bob --

3 MR. BUSH: Wait, wait. We heard your
4 suggestion. Now, you have a suggestion to make?

5 MR. McLEAN: Yeah.

6 MR. BUSH: We just can't --

7 MS. DUTY: And then I have a suggestion,
8 please.

9 MR. BUSH: Each one gets one minute. Go
10 right ahead.

11 MR. McLEAN: In reference to what Bob is
12 proposing, signs on shore and buoys with the NRP
13 right up the river and addressing Betty's concern,
14 I don't see any reason why the DNR in some fashion
15 could issue permits to the watermen so they would
16 be allowed to go in there, they sign the regulation
17 saying they understand what they're, they would get
18 a sticker on their boat that says we're a small
19 boat, we're under a certain size, we're allowed to
20 go in there under certain conditions, they sign the
21 agreement and let them go.

1 MR. GAUDETTE: That's not our decision.

2 MS. DUTY: Actually my question was
3 really, when Bob was saying he attended the meeting
4 with FAA, was there someone representing commercial
5 fishing activity in there at that meeting?

6 MR. LUNSFORD: No, ma'am.

7 MS. DUTY: Was it addressed at all?

8 MR. LUNSFORD: No. Because at the time
9 I had been out -- the meeting was in March, I had
10 been out there a couple of times since the request
11 came in in November, I never saw anyone out there.

12 MS. DUTY: Because you probably weren't
13 out there at 4 o'clock in the morning.

14 MR. LUNSFORD: Fyke nets are there all
15 the time.

16 MS. DUTY: I know, but somebody fishing.

17 MR. LUNSFORD: Nobody was fishing that
18 area in winter. I can't say what went on above,
19 what went on below, but within that area I was
20 trying to get the buoy out, he didn't set a net
21 there this year. Doesn't mean he can't.

1 to be in security such as Cove Point or Proving
2 Ground as one point. However, where airplanes are
3 concerned it's different, and you keep -- you just
4 cannot have any gray area where you're going to
5 have an ILS system which may or may not be safe,
6 and I think that basically is where the FAA is
7 coming from.

8 MR. SCHUSTER: That's what they told us
9 they --

10 MS. DUTY: That has to do with high
11 masts and --

12 MR. SCHUSTER: That's where I was
13 headed. They told us that we must find a solution
14 to absolutely guarantee prohibition of boats with
15 masts that penetrate these surfaces.

16 MS. DUTY: So the watermen suffer and
17 are not be able to do their commercial catch
18 because of three sailboats that might do that.

19 MR. SCHUSTER: If there is another way
20 to guarantee the prohibition of the offending
21 boats' heights, we're open to that, we would love

1 to have the FAA be less restrictive.

2 MR. BUSH: One more comment here.

3 MR. MARSH: How long has the ILS system
4 been down there?

5 MR. SCHUSTER: It's my understanding
6 that it's been down for about four years.

7 MR. MARSH: Is it a threat that the
8 Guard would think of going somewhere else?

9 MR. SCHUSTER: Yes. We've been told
10 yes.

11 MR. MARSH: Because it doesn't, it
12 doesn't give them all of the --

13 MR. SCHUSTER: I think as Mr. Ames
14 talked this morning, the Guard bureau looks at its
15 facilities all across the country as it starts
16 assigning facilities and missions, and when you
17 have reduced missions, whether it be at Martin or
18 anywhere around the country, they look at that to
19 see whether they'll continue to operate. So there
20 is, we have been told there are threats to the
21 Guard at Martin.

1 MR. GAUDETTE: I have a suggestion.
2 Secretary Griffin is certainly not going to support
3 a recommendation that's going to significantly
4 impact the operations of this airport. However,
5 the argument for this, and I used to fly myself,
6 the argument that boats that do not have high masts
7 would impact the ILS really doesn't hold water, so
8 to speak. So I would suggest that the secretary,
9 if it's the recommendation of this committee, that
10 you hold this decision and have the secretary send
11 a letter to the FAA, make a request that vessels
12 that do not have masts be able to utilize this area
13 within this prohibited area, and that we would mark
14 it accordingly. Picket fence the thing, say
15 there's no sailboats. Now, the guys back here are
16 going to have to enforce this to the extent that we
17 can, and the issue for them would be if someone's
18 coming up on a sailboat and they see people jet
19 skiing in this area and such, are they just going
20 to ignore those markers and go in there? Maybe the
21 FAA can provide some provisional approval or sort

1 of a probationary period under this to see if it
2 actually works and if so then they can make it
3 permanent. But I know where the FAA is coming from
4 with regards to total control of that area because
5 they don't want to take any chances at all.
6 However, the vessels that would be going in there
7 that are well under those heights are going to have
8 no impact on this ILS. So that's a suggestion that
9 we at least make the effort.

10 Now, if the FAA comes back and says
11 sorry, that's it, then I think that the secretary
12 will make the decision to accept this prohibited
13 area. That's my gut feeling.

14 MR. BUSH: We have two suggestions, one
15 is to accept as is, one motion, and then Bob has
16 come up with a different one that says -- would you
17 like to make --

18 MR. PARLIN: Mr. Chairman.

19 MR. BUSH: Would you like to withdraw
20 your motion about accepting it as proposed?

21 MR. KLOOSTRA: I'm willing.

1 MR. BUSH: So that's gone. Okay, just a
2 second. Now, Bob, would you like to make a motion
3 in detail --

4 MR. GAUDETTE: Actually, I can't make a
5 motion.

6 MR. PARLIN: I'm going to make it. I'd
7 like to make a motion that we table this issue
8 until we can get a ruling between this, get the
9 secretary to request from the FAA for their
10 position on allowing nonmasted boats into the area
11 and see if there's a room for compromise.

12 MR. MARSH: I second that.

13 MR. BUSH: Okay, we've got a motion and
14 a second. All in favor.

15 (Unanimous aye vote.)

16 MR. BUSH: Carried.

17 MR. LUNSFORD: May I make, ask a
18 question for clarification? If a letter goes from
19 our secretary to the FAA requesting some sort of
20 waiver of boats without masts and it comes back
21 that is unacceptable to the FAA, may we then

1 proceed with implementing the regulation as
2 requested without coming back in front of the
3 committee and doing another public hearing?

4 MR. BUSH: Does anyone object to that?

5 MS. DUTY: I sort of do.

6 MR. PARLIN: Want me to change my motion
7 and we'll go from there?

8 MS. DUTY: Yeah, do something.

9 MR. PARLIN: Amend my motion.

10 MR. KLOOSTRA: I think what Bob said, if
11 the FAA kicks it in we give it to them.

12 MR. PARLIN: Then I make a motion that
13 if the ruling from the FAA is that they're not
14 willing to bend, then we enact it as requested.

15 MR. McLEAN: You guys have to be quiet,
16 don't tell the FAA we said that.

17 MR. PARLIN: Yeah, don't give us away.

18 MS. TROVATO: Second.

19 MR. DWYER: Don't say it like that, I
20 have a problem with that.

21 MS. ALLISON: I do too.

1 MS. DUTY: Yeah. I do.

2 MR. DWYER: Because it gives them -- if
3 they know it, there's no reason to even consider
4 the first.

5 MS. DUTY: That's right, they'll just
6 automatically rubber stamp it.

7 MR. LUNSFORD: Not to come back to us,
8 just to go right through it.

9 MS. ALLISON: No, come back to us.

10 MR. DWYER: I don't have a problem with
11 coming back to us.

12 MS. TROVATO: But there's a motion. I
13 seconded it.

14 MR. DWYER: I made a motion.

15 MS. TROVATO: No, he made a new motion.
16 I seconded it. Can we vote on it?

17 MS. DUTY: You're saying --

18 MR. BUSH: What is the motion?

19 MR. DWYER: The motion was if the FAA
20 comes back and is not willing to bend on the rule,
21 then that we proceed forward with enacting it as

1 requested.

2 MR. DWYER: Giving it to them.

3 MS. DUTY: Right. No.

4 MR. JONES: I call the question.

5 MR. BUSH: Anyone opposed to the motion?

6 MR. JONES: I'm opposed to --

7 MS. ALLISON: Are we opposing the motion
8 that is on the table now?

9 MR. BUSH: Yes.

10 MS. ALLISON: I oppose.

11 MR. DWYER: I oppose.

12 MR. JONES: I oppose.

13 MS. DUTY: I oppose.

14 MS. BROLL: I oppose.

15 MS. ALLISON: What are we voting on?

16 MR. FERMAN: You want to cut off the
17 date, that's what he's asking, and there needs to
18 be an affirmative vote from the board on that
19 before you can consider the motion.

20 MS. DUTY: Has everybody said everything
21 they need to say? I don't have any more words

1 other than I don't like it and my guys aren't going
2 to like it, and they're important too. So.

3 MR. BUSH: You made your point very
4 clearly.

5 MS. DUTY: I know I did. I feel like I
6 still need to make more of a point.

7 MR. BUSH: Call the question.

8 MS. DUTY: That's just who I am, John.

9 MR. BUSH: We know that. Do you have
10 another point to make?

11 MS. BROLL: I think I've done very well,
12 I haven't opened my mouth the entire meeting. My
13 only concern with this one is that block, the
14 triangle that's been drawn in there from B to C and
15 back, outside of the 60 foot, I realize why, why we
16 did it from -- it's easier to enforce something
17 like that, but that takes away in my opinion a
18 great chunk of navigable water that is not part of
19 the FAA requirement, so that's my concern with
20 passing it as is.

21 MR. GAUDETTE: Is that accurate, is that

1 an accurate statement?

2 MR. PARLIN: Yeah.

3 MS. DUTY: Yeah.

4 MR. LUNSFORD: The graphics should be up
5 on the table.

6 MR. BUSH: He's just going to confirm
7 the statement of her concern.

8 MR. SCHUSTER: No, you're correct, it's
9 this triangle area between the red and the light,
10 between B, C, and, you see the -- it's a right
11 triangle. That area is outside of the area
12 necessary for 60 foot.

13 MR. BUSH: Would the airport management
14 be prepared to take that portion off the board,
15 that little triangle area, you'd be prepared to do
16 that?

17 MR. SCHUSTER: Yeah, if you --

18 MR. BUSH: So I think what we should do
19 then, everyone, I think we need to get a revised
20 plan, I think maybe we should, maybe -- I don't
21 know if we should just table things until we get

1 everything back in our hands so there's no mixup
2 here about what will or will not happen.

3 MR. McLEAN: Is there room on the agenda
4 to handle this?

5 MR. BUSH: Yes, there's always room,
6 make room. Okay.

7 MS. TROVATO: I have a question. If we
8 go through the process that we're setting up right
9 now, how much time is it going to take and how much
10 longer is the airport not going to be able to use
11 their ILS thing?

12 MR. SCHUSTER: The FAA are planning to
13 turn it on on a provisional basis at the end of
14 this year to do their own surveying, but the users
15 have said they can no longer live without it, so
16 the FAA, the meeting that Bob was at, there was
17 probably about 40 FAA people from headquarters on
18 down, and they were all gathering to make this
19 happen because the Guard and the corporates are
20 hurting.

21 MS. TROVATO: So the soonest they'll

1 turn it on is January.

2 MR. SCHUSTER: Probably November or
3 December.

4 MS. TROVATO: November or December, so
5 the process this committee is suggesting, how long
6 do you think that will take?

7 MR. GAUDETTE: The secretary's letter
8 would go out --

9 MR. LUNSFORD: If you voted to recommend
10 a regulation, regardless of what it is, it would
11 not take effect until probably the middle of April.
12 In the airport's case if you voted in favor of it,
13 it may rise to the level and warrant an emergency
14 regulation if it impacts their operations in a
15 positive manner, it takes about six weeks, unless I
16 get caught in the bind where ALR, the executive
17 administrator -- the Administrator of Executive
18 Legislation Review Committee will not hear things
19 for the first several weeks of the session, so if
20 we come back in January, for instance, it was voted
21 on at the Christmas party, I'd be out of luck, and

1 so would the airport, because they won't take any
2 regulations for some period of time at the
3 beginning of the legislature, usually the first
4 four or five weeks.

5 MS. TROVATO: So if this committee said
6 we want to have another public hearing and debate
7 the issue again, that would cause the loss of
8 another year for the airport on the ILS?

9 MR. LUNSFORD: Depending on the timing
10 of it. I mean if we wanted to -- I don't believe,
11 and the airport folks can tell me whether or not
12 I'm wrong, if the secretary were to send a letter,
13 we were to draft it this afternoon and get to the
14 secretary for signature and send it to the right
15 folks in the FAA, I don't believe they're going to
16 respond before your meeting series are over for
17 this fall, which would put us in a bind, which is
18 what I'd be worried about, then even if we met at a
19 Christmas party, or a holiday party, excuse me, in
20 the first part of, or the middle of December, and
21 said yeah, let's go ahead and do something, that

1 puts me right up against that closure of ALR at the
2 beginning of the legislative session in Maryland.

3 MR. DWYER: Bob, we don't need another
4 public hearing though, do we?

5 MR. LUNSFORD: That's up to --

6 MR. DWYER: We had the public hearing to
7 continue with what we're doing.

8 MR. JONES: I agree.

9 DR. WEINTRAUB: Let's move on to another
10 subject.

11 MR. PARLIN: We need to put -- we're not
12 moving on, we need to put this thing, get our hands
13 around this.

14 MR. BUSH: Just a second. Do you have a
15 quick comment? Go ahead.

16 MS. BROLL: Did we vote on the other
17 motion yet or are we still discussing that?

18 MS. DUTY: I'm not sure.

19 MR. DWYER: We were discussing the
20 motion.

21 MR. BUSH: The motion that Bob made.

1 MS. DUTY: That Chris made.

2 MS. BROLL: I would like to amend that
3 motion to go back to the original, that area in the
4 river that falls under the FAA 60-foot limit, which
5 was in this original drawing -- well, you can do
6 that. I can't do two things at once. What was on
7 the original drawing, because that would provide
8 the boating public with that much more area that
9 they could legally use, the watermen who might use
10 that area, that would also provide them with --

11 MS. DUTY: Give them another space.

12 MS. BROLL: -- more area they can use
13 and I'm confident that the Natural Resources Police
14 would be able to enforce, since they're so good in
15 enforcing clam lines, I'm sure they would be able
16 to enforce that triangle in there as long as it was
17 properly marked, so I'd like to make, I would --
18 I'm trying to amend the motion.

19 MR. BUSH: You want to say it again?

20 MR. PARLIN: Yeah, I actually have a
21 technical question. Would our better course of,

1 you know, to proceed would be to go ahead and enact
2 a temporary restriction in this area so that they
3 can get their ILS turned back on, as amended by
4 Ms. Broll here so that that triangle area stays
5 open, so that those areas are shut down so the
6 airport can get their ILS turned on and until we
7 can come back and really figure out whether the FAA
8 is willing to bend on small vessels in that area,
9 everything else, but kind of satisfy everybody at
10 one time, we keep the area open for the watermen,
11 that one section that can be open, we get the
12 airport what they need for the safety of the
13 aircraft, I mean I truly, I stand behind that, I
14 believe that's very important, so --

15 MS. DUTY: But if we give them --

16 MR. DWYER: John, do we not already have
17 a motion we voted on for the idea that Bob brought
18 up to contact the secretary and try this thing
19 first?

20 MS. BROLL: Yes, we passed that.

21 MR. DWYER: I hate to give FAA guns to

1 stand behind what they're saying. I mean they're
2 going to win, that's a no win situation.

3 MR. BUSH: Let's go ahead then and, if
4 you will, if you are in favor of this, we would,
5 would request in our motion here that that triangle
6 portion there would be removed and we would go
7 ahead and maybe -- I'm suggesting we have the, a
8 temporary request for that other restricted area
9 and still go with your letter to the FAA. What do
10 you think of that?

11 MR. GAUDETTE: I don't think the
12 temporary closure is going to do anything for the
13 FAA, that's my gut feeling.

14 MR. SCHUSTER: I think it would.

15 MR. PARLIN: You think it would help?

16 MR. SCHUSTER: It would show, it would
17 show positive steps.

18 MS. DUTY: That we're working forward.

19 MR. PARLIN: Yeah.

20 MR. SCHUSTER: I have no problem taking
21 out the triangle area and I have no issue, and I

1 don't know the FAA, anybody would reasonably have
2 an issue with trying to see if there is a way to
3 guarantee that, you know, the offending boats won't
4 penetrate that area, whatever way there is, if
5 there's experts in the room to help us with that,
6 that's the deal. I mean whatever that slope is, if
7 we can guarantee that there's no taller stuff
8 penetrating that, that's the winner.

9 MS. DUTY: Yeah, that's what we're
10 asking for.

11 MR. DWYER: Is that not what we're
12 asking for with the 60-foot sails?

13 SPEAKER: The thing with the 60-foot
14 sails is that, I believe, it's a hard line in the
15 water that you're creating to enforce this area,
16 and so any boat won't be able to go off to the
17 airport side of that line, whether it's buoys,
18 someone mentioned ropes today, you know, like a
19 swimming pool, I don't know if that's how it is,
20 but however it's marked in the water it's got to be
21 a guarantee that the FAA will accept that boats of

1 that taller mast will not penetrate that, it's got
2 to be enforced a hundred percent.

3 MR. DWYER: To do an experiment, it
4 seems that would be the way to do a experiment with
5 no sailboats allowed and see if that doesn't work.

6 MR. GAUDETTE: Right, yeah, because, you
7 know, the department is not going to put an
8 obstruction in the waterway. Now, if the FAA was
9 going to put one in the waterway, that's up to
10 them, but I will tell you that the department is
11 not going to string cables in the waterway, that's
12 not going to happen, so I think if we mark it and
13 picket fence it and we see what happens, you know.

14 MS. ALLISON: One last question.

15 MR. SCHUSTER: I understand the idea is
16 to move on both fronts. One is to establish
17 something temporary, take out the triangle and then
18 continue to work with the FAA to determine from the
19 secretary's level whether or not there is a way to
20 allow any boat that doesn't penetrate to be in
21 there. I think those are the three fronts that I

1 heard.

2 MR. BUSH: Okay. Does anyone -- I hope
3 you're -- it's a comment, you owe me a favor, go
4 ahead.

5 MR. KLOOSTRA: My comment is that we've
6 got two groups of people here that we're trying to
7 accommodate who aren't represented, and that's the
8 FAA on one side, of course represented by him
9 somewhat, and the watermen on the other side
10 represented by Betty somewhat, but I'd like to hear
11 from the watermen that there are crabs there.

12 MS. DUTY: Ken, wait a minute. What do
13 you mean somewhat?

14 MR. BUSH: I would like you to make your
15 quick comment.

16 MS. ALLISON: My quick comment is this
17 is obviously in Martin Marietta's best interest to
18 get this done, have it serviceable to service both
19 the National Guard and the commercial people, why
20 don't you put your own patrol boats out and patrol
21 the areas?

1 MR. SCHUSTER: We don't have patrol
2 boats.

3 MS. ALLISON: Buy them.

4 MS. TROVATO: It's a state airport, it's
5 owned by the state, not a private entity.

6 MS. ALLISON: There could other,
7 potentially be other private people that you don't
8 have to seek your already tapped out resources with
9 the Natural Resources, whether it be state police
10 or something else, there might be another way to do
11 that.

12 MR. DWYER: Management --

13 MR. KLOOSTRA: That's right on, Robyn.

14 MS. TROVATO: Could somebody please
15 summarize the current state of play, so -- I'm
16 lost.

17 MR. BUSH: Here's what I see at the
18 moment. The airport and the FAA is willing to
19 modify that triangle, which is a request you made;
20 I made a suggestion and the airport accepted that
21 we would propose a temporary restriction in that

1 other red area and we would then monitor it, see
2 how it goes, and then we can -- this would go to
3 the FAA and it would indicate that we are trying to
4 working with them. They may accept that a hundred
5 percent. If they do not accept it, then it's got
6 to come back to us for review. Does that make
7 sense?

8 MS. TROVATO: And that's to keep every
9 boat out.

10 MS. DUTY: Or just sailboats?

11 MR. BUSH: Here's the issue again, and
12 Bob, you can, your expertise. I feel uncomfortable
13 with the idea I can keep boats out of a restricted
14 area, some boats and some can't, that just normally
15 doesn't work very well, it's not going to work,
16 because you may have a new sailboater come in there
17 and they see a powerboater go through the
18 restricted area and the sailboat says, well, I'm
19 going through too, and I'm just saying it's not
20 going to be 24/7 enforcement, it's not practical,
21 so I don't know, I'm just being practical here,

1 just trying to get over some words here, that's not
2 going to be effective in the long run. Now, do you
3 have any comments to add to this, Bob?

4 MR. LUNSFORD: A couple of comments and
5 I'll be brief. One, there are several military
6 installations on the Potomac River and around the
7 bay area that have established safety zones through
8 federal regulations that never came before this
9 committee and they don't seem to be putting any
10 watermen out of work. No offense, Betty. It may
11 have cost them money, but certainly this approaches
12 that type of situation. Two, taking out the
13 triangle and putting that dogleg in there may give
14 them a half an acre of water to work, but given the
15 way the channel is laid out it doesn't provide any
16 relief to the pinch point and restriction to the
17 channel. So I don't really think that is a great
18 benefit to anybody unless somebody wants to put a
19 panel in that little section. And three, I've
20 never seen a prohibited area where you can graduate
21 it and say no sailboats or no other boats, and I

1 don't know and maybe the airport folks do and I
2 don't, up against the shoreline, how tall, because
3 you've got pretty deep water up to shore. What I'm
4 worried about somebody in a 30-foot sloop coming in
5 there and tying up close enough to shore that
6 there's actually going to be a problem, a transient
7 boater coming in to get away from a thunderstorm,
8 there are other places to anchor but certainly
9 that's a clear spot and on a hot summer night you
10 can get the breeze there as best as you can in any
11 other.

12 MR. SCHUSTER: It's about 40 foot of
13 shore.

14 MR. BUSH: How much? 40? Well,
15 anything can go up the shore. Do I have any other
16 comments? So far you have created --

17 MR. DWYER: I think the no sailboats
18 allowed regulation --

19 MR. BUSH: Well, the only thing there is
20 I think the enforcement people will agree it's
21 difficult to enforce. It is also -- meaning that

1 the FAA does not have the 100 percent confidence
2 that no sailboats will be there at any time and the
3 answer is no, they do not. So I don't know how you
4 would buoy this whole area off to make that clear.
5 Do you have a comment on that?

6 MR. LUNSFORD: I would just, and Betty,
7 I was thinking about your situation, I also think
8 it might be possible to have smaller worker skiffs
9 display a sticker that would allow them in there
10 provided they don't have large masts. I think that
11 is something that we can work on if the regulation
12 was promulgated as proposed, then we can come back
13 and revisit relatively quickly among ourselves
14 after we get a ruling from the FAA.

15 MS. DUTY: The fellows fly flags when
16 they're doing certain things.

17 MR. LUNSFORD: They do it in Aberdeen
18 and I think that's workable and gets us off the
19 hump, they can get in there and work. The
20 recreational boater would be excluded because we
21 wouldn't issue stickers to recreational boaters.

1 MS. DUTY: Which is what I said this
2 morning. Thank you, Bob.

3 MR. LUNSFORD: Sorry I didn't bring it
4 up sooner.

5 MR. BUSH: All right.

6 SPEAKER: You guys aren't addressing the
7 hazardous channel that you create for the boats,
8 you haven't discussed that at all.

9 MR. BUSH: Well, I'm sorry, sir.

10 SPEAKER: I apologize.

11 MR. BUSH: You make a good point, but I
12 just can't make exceptions, but everyone heard what
13 you said. Okay.

14 MS. ALLISON: And he's right.

15 MS. DUTY: And he's right, yeah.

16 MR. BUSH: Well, we cannot necessarily
17 table this proposal, we just can't say we're going
18 to put it off for another -- until the next
19 meeting. I think we have to address it and I think
20 we need to do something that's going to make some
21 sense.

1 So far we're saying that the small -- I
2 will still say that I'd like the FAA and the
3 airport to still give up that little triangle. I
4 think that shows good faith. I think that the idea
5 of having stickers to be issued for the workmen, or
6 watermen boats to go through that area and to work
7 that area, remember that their, the highest point
8 on their boat is not going to be probably eight or
9 ten feet even with an antenna, that should not be a
10 big issue, and I think that that's where we are.
11 Now, can we all accept that?

12 MR. DWYER: Nope.

13 MR. BUSH: We know you, okay, I'm sorry
14 you can't, but --

15 MR. PARLIN: Temporary --

16 MR. DWYER: You're making up the rules
17 as we go along here as far as I'm concerned. We
18 have a motion, we're voting on a motion that's
19 already going, we can't just keep taking ideas.

20 MR. BUSH: We can --

21 MR. DWYER: We're fudging it.

1 MR. BUSH: We can modify a motion in
2 order to make something practical and make it work.
3 Now, you know, a lot of things that we can do here,
4 but I don't think we're going to jump ahead and say
5 well, you're not following the rules properly so
6 cut it off, and that's what you're asking me to do.
7 I'm not prepared to do that.

8 MR. PARLIN: Then I would like to
9 withdraw my motion and open the floor to anybody
10 to --

11 MS. DUTY: Make a new one.

12 MR. BUSH: So.

13 MR. DWYER: I make a motion that we
14 decline the proposal and go with the motion that we
15 already have that Chris made prior for the
16 secretary to try to get --

17 MR. PARLIN: We already did --

18 MR. DWYER: We passed that one. So we
19 could be done right now. I make a motion that
20 we -- I don't care whether I go for it or against,
21 I'm going to vote against it, however you want the

1 motion.

2 MR. PARLIN: Then I'd like to make a
3 motion that we enact as a temporary measure, and if
4 we want put a time limit on that I'll take your
5 suggestion right here, right now while I'm -- to
6 enact a temporary restriction to the areas as noted
7 on this chart, which removes the triangle area off
8 of that area up there, which the MAA is agreeable
9 to, and that is a temporary restricted area until
10 we can get a ruling back from the letter to find
11 out whether we can go anywhere else with those
12 restricted areas as far as commercial boats,
13 smaller boats. So the motion is to temporarily
14 restrict any vessels in this area. Did you want a
15 time frame on this?

16 MR. DWYER: Asking me?

17 MR. PARLIN: I'm asking Bob. Bob,
18 what --

19 MR. LUNSFORD: Give it a year. I don't
20 know how long the FAA may take before we can bring
21 back a response. Let's do it that way, let me put

1 it in with the understanding that we'll bring it
2 back to the committee when we get an FAA response
3 and at that time we may resubmit withdrawal.

4 MR. PARLIN: Very good. A period of one
5 year.

6 MR. BUSH: I can accept that.

7 MS. TROVATO: Second.

8 MR. BUSH: Do you accept that?

9 MR. DWYER: The question, the question
10 is the navigation problem is still going to be
11 there.

12 MR. PARLIN: I understand that, but I
13 made my motion.

14 MR. DWYER: I'm just asking for
15 clarification.

16 MR. BUSH: The answer is yes.

17 MR. PARLIN: We've gotta do something,
18 we've gotta make something happen, you know, we're
19 talking about big bucks to the state and, you know,
20 change of mission for the National Guard, safety
21 for all the aircraft going in and out of there.

1 MR. DWYER: Just asking for
2 clarification.

3 MR. PARLIN: If it's for a year and we
4 gotta come back, by all means we're going to hear
5 testimony again. If there was a significant
6 impact, then we will absolutely take that into
7 account.

8 MS. DUTY: Bob, are you going to put in
9 the letter about the sticker or flag for the
10 commercial fishing as an exception?

11 MR. LUNSFORD: I'm going to put it in
12 and word it such that small fishing skiffs engaged
13 in commercial fishing activity.

14 MS. DUTY: Right. Okay, as long as
15 we're included I feel good.

16 MR. LUNSFORD: I think we had that
17 wording somewhere else where we allowed somebody,
18 on the state park in the Potomac where we allowed
19 crabbers engaged in crabbing doing six knots are
20 the only boats that are allowed in there that
21 aren't state boats, so that's the kind of wording

1 that I'll adopt.

2 MS. DUTY: As long as we're in there.

3 MR. BUSH: We're trying to accommodate
4 here, with the exception of one person that I don't
5 think we can accommodate on the end.

6 MR. DWYER: I think that's --

7 MR. BUSH: Are we in favor, anyone
8 opposed?

9 MS. ALLISON: What are we voting on?

10 MR. BUSH: One, we're going to exclude
11 the triangle.

12 MS. ALLISON: This is the motion we're
13 going to vote on?

14 MS. TROVATO: Chris already said the
15 motion.

16 MR. BUSH: Why don't you repeat
17 including what we've had, I don't want to --

18 MR. PARLIN: To enact a temporary
19 restriction to boating in these areas as noted on
20 the chart for a one-year period.

21 MR. BUSH: With the exception of the

1 triangle.

2 MR. PARLIN: This chart does not include
3 that triangle.

4 MR. BUSH: I understand.

5 MR. PARLIN: For a period of one year.
6 That's it.

7 MS. ALLISON: And watermen stickers.

8 MS. DUTY: That's in the letter, that's
9 in the letter.

10 MR. PARLIN: That's separate. This is
11 to shut it down, because that's the first thing
12 that's going to satisfy the FAA, until we can come
13 back with, you know, some opinion as to whether we
14 can go anywhere else with this next year.

15 MS. DUTY: I can sell that.

16 MR. BUSH: Okay. Can we, can that
17 motion then be on the table?

18 MS. TROVATO: I second.

19 MR. BUSH: It's been seconded. Does
20 anyone object?

21 (No response.)

1 MR. BUSH: The ayes have it. Okay.

2 That's it.

3 MS. TROVATO: Mr. Chairman, do you want
4 a show of hands so --

5 MR. PARLIN: I didn't hear an all in
6 favor.

7 MR. BUSH: I've already seen hands up
8 before, but go ahead, show hands of those who are
9 in favor of the last motion.

10 (Show of hands.)

11 MR. BUSH: The majority has it. And
12 also as a footnote on that, Bob, you will be
13 getting the letter together to go forward.

14 MR. LUNSFORD: I'll be drafting the
15 letter to the secretary.

16 MR. BUSH: That's what I meant. Okay,
17 now we're going to move on to the next issue.

18 MR. SCHUSTER: Thank you very much for
19 your time.

20 MR. BUSH: Okay.

21 MS. TROVATO: Thank you.

1 MR. SCHUSTER: Sure.

2 MR. BUSH: Thank you very much.

3 Bear Creek. Excuse me, gentlemen. Do
4 you want to go with Bear Creek next? Do I have any
5 questions on Bear Creek?

6 MS. TROVATO: What?

7 MR. BUSH: Any questions.

8 MS. DUTY: Bear Creek, I've got all
9 sorts of notes here.

10 MR. KLOOSTRA: Motion for Bear Creek.

11 MR. BUSH: No, not yet.

12 MR. KLOOSTRA: I make a motion that we
13 adopt the proposal as -- no, I make a motion to
14 deny it.

15 MS. TROVATO: I second.

16 MR. KLOOSTRA: You gotta get it started
17 somehow, right?

18 MR. DWYER: I second that motion.

19 DR. WEINTRAUB: Second that.

20 MS. ALLISON: Third it.

21 MS. DUTY: Let's vote.

1 MR. BUSH: We have a motion to deny the
2 request of any changes in Bear Creek, and can we
3 vote on that now? We've had a second, about four
4 or five seconds.

5 MR. MARSH: Discussion.

6 MR. BUSH: Any discussion on that? No
7 discussion.

8 MS. DUTY: John, you'll be glad to know
9 that the watermen don't care.

10 MR. BUSH: The motion -- show of hands,
11 voting that we are going to deny the change on Bear
12 Creek.

13 (Show of hands by all.)

14 MR. BUSH: Thank you. Move on. This is
15 the tough one I see coming up now.

16 MR. DWYER: I'd like to make a motion
17 that we disapprove, no change.

18 MS. TROVATO: Deny.

19 MR. DWYER: Deny.

20 MR. BUSH: Deny.

21 MR. DWYER: That way I will win a little

1 bit.

2 MS. DUTY: Could I please second it?

3 Yes. Thank you.

4 MR. LUNSFORD: Let Betty second it.

5 MS. DUTY: I feel like I've earned my
6 stripes today.

7 MR. BUSH: Okay, on Marley Creek, what
8 do we have? We have decided to deny.

9 MR. DWYER: Motion to deny.

10 MR. KLOOSTRA: Vote.

11 MR. BUSH: Do we have a vote on that?

12 Just a motion.

13 (Unanimous aye vote.)

14 MR. BUSH: I think the ayes have it.

15 (Discussion held off the record.)

16 MR. BUSH: All right now, so it's been
17 denied. Now, Bob, do you want to make some
18 comments from the state standpoint at this point?

19 MR. GAUDETTE: No, I think everything --
20 I think you guys did a good job coming up with this
21 compromise for the airport, we know there's a lot

1 of issues there and it's a way to let the Maryland,
2 MAA know that we're going to work with them on that
3 and also buys us some time to see what the FAA is
4 going to do and also allows us to see how that
5 prohibited area actually works. Other than that I
6 really don't have any other comments on it.

7 MR. LUNSFORD: I have one quick one. In
8 your packages you should have some draft wording
9 for wakeboard restrictions that Steve Kling ginned
10 up basically. Our attorney general has looked at
11 it, she sent out a draft, Steve added the wording
12 that's at the end of paragraph about an area being
13 under six-knot limit at all time not being suitable
14 for wakeboarding, that from our last meeting from a
15 sense of the committee they wanted us to go ahead
16 with that. That's the draft language. I don't
17 know if you want to introduce a motion to ask us to
18 go forward with that, we'll promulgate it and put
19 it in the newspapers and if there's any changes
20 we'll bring it back before the committee, otherwise
21 I can't do anything.

1 MR. BUSH: Okay. Hearing -- I think
2 that your suggestion is good, that we'd like to see
3 if we can't make a motion to --

4 MR. MARPLE: As enforcement have you
5 looked at that?

6 SPEAKER: We don't know which one you're
7 talking about.

8 (Discussion held off the record.)

9 MS. DUTY: John, could I just say
10 something? I think most of you people on the board
11 here -- you people, what did that come from? --
12 Mick is going to be replacing me at the starting of
13 January when my term is up, so Mick -- unless he
14 just runs for the hills after today, but I do want
15 everyone to be aware that Mick will be the Betty
16 Duty from now on. Big shoes, big shoes.

17 MR. BUSH: You see how much fun it is.

18 MR. DWYER: Mick is not as pretty as
19 you, Betty.

20 MS. DUTY: Mick is currently the editor
21 of the Watermen's Gazette, so he's up on par with

1 all the issues concerning watermen.

2 MR. BUSH: Thank you, and welcome, you
3 will be the -- you start the next meeting or the --

4 MS. DUTY: January, at the end of
5 December.

6 MR. LUNSFORD: You're certainly invited
7 to all the rest of the hearings this fall.

8 MR. PARLIN: See what you're in for.

9 MR. BUSH: Do you have any comments?

10 SPEAKER: Well, as far as the speed
11 zone, they're not, it's against the law to tow
12 somebody on a wakeboard behind you in a six-knot
13 restricted zone anyway.

14 MR. LUNSFORD: That is in there such as
15 creeks that have Saturday, Sunday and holidays or
16 boating season only limits. Since they have a
17 speed limit at any time they would not be suitable
18 for wakeboarding. We have a lot of Saturday,
19 Sunday and holidays creeks that would not allow
20 wakeboarding under that.

21 SPEAKER: I see.

1 SPEAKER: Our sergeant is good with it,
2 I'm good with it.

3 MR. BUSH: Are you okay?

4 SPEAKER: Yeah.

5 MR. BUSH: Suggestion, do we allow them
6 to go ahead then with the wording here without any
7 changes? Do I have a motion on that?

8 MR. KLOOSTRA: So moved.

9 DR. WEINTRAUB: Second.

10 MR. BUSH: All those in favor.

11 (Unanimous aye vote.)

12 MR. BUSH: That takes care of that.

13 Now, do we need to set up our next meeting?

14 MR. LUNSFORD: No, we're October 14 at
15 the Talbot County Community Center, we will hear
16 five areas that day.

17 (Discussion held off the record.)

18 MR. BUSH: Does anyone have anything
19 else to add?

20 MR. DWYER: I'd like to make a motion we
21 adjourn.

1 MR. PARLIN: Betty Duty seconds that.

2 MS. DUTY: Yes.

3 MR. BUSH: Thank you.

4 (Proceedings adjourned at 1:56 p.m.)

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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

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

7

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9 Kelly A. Taylor, Notary Public

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