

1 MEETING OF THE
2 MARYLAND BOAT ACT ADVISORY COMMITTEE

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5 The above-entitled matter came on for
6 hearing on Thursday, November 4th, 2010, commencing
7 at 10:08 a.m., at the Annapolis Elks Club, 2517
8 Solomons Island Road, Annapolis, Maryland, John
9 Bush, committee chairman, presiding.

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11 COMMITTEE MEMBERS:

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

17
18 Robert Lunsford, State Regulations Coordinator

19 Robert Gaudette, Director of Boating Services
20

21 Reported by: Kelly A. Taylor

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

2 MR. BUSH: Good morning, everyone.

3 Everyone please take your seats.

4 We're pleased to see everyone here and
5 we're looking forward to hearing your comments
6 concerning petitions which was made to the
7 committee here. The committee is made up of about
8 20 persons from all over the state of Maryland and
9 the primary purpose is to evaluate the waterways,
10 making them as good as possible for everyone to use,
11 and keep this in mind, that the waterways are for
12 everyone and therefore we try to keep an even hand.
13 We do not have a preconceived notion of what you're
14 talking about, we just listen to you and then we
15 make a decision.

16 I'm going to have the persons here on
17 the committee to introduce themselves, tell you a
18 little bit about themselves and then we'll get
19 started, so we'll start from my left.

20 (Committee members introduce themselves.)

21 MR. BUSH: I'm John Bush and the

1 chairman of the committee. I'd first like to ask
2 everyone to turn off your cell phones if you
3 haven't already done it. Also, we're going to
4 start testimony, we would like everyone to have an
5 opportunity to speak their position. We may have
6 Bob to make a comment before we get testimony, you
7 want to do it that way?

8 MR. LUNSFORD: Sure, I'll just go over
9 what the request was and --

10 MR. BUSH: Yes.

11 MR. LUNSFORD: So which one do you want
12 to start with, Mr. Chairman?

13 MR. BUSH: We're going to go according
14 to the agenda.

15 MR. LUNSFORD: Luce Creek was first?

16 MR. BUSH: Yes.

17 MR. LUNSFORD: Luce Creek is a small
18 creek up off the Severn River. The petitioner was
19 concerned about high speed activity in the creek,
20 the creek has a number of Navy moorings in it. The
21 police report was a recommended no action with

1 concurrence by the lieutenant up the chain. The
2 erosion control or the erosion survey came in and
3 they did not attribute anything they saw there
4 to -- has little or no apparent impact in terms of
5 shoreline, they're speaking of boat wake there, so
6 that's the departmental report. We did have a
7 number of comments, I think the summary that is on
8 the back page of your package.

9 MR. BUSH: Okay. Is the officer here
10 yet?

11 MR. LUNSFORD: The officer for Beards
12 Creek. The police report I have for Luce Creek and
13 he recommended no action.

14 MR. BUSH: Thank you.

15 MR. LUNSFORD: There's no officer to
16 report.

17 MR. MARSH: We have several who want to
18 speak in support of that. Mike Lawlor.

19 MR. LAWLOR: Yes, sir. I live on Luce
20 Creek --

21 MR. BUSH: Anyone that wants to speak,

1 come on up here and get the mike.

2 (Discussion held off the record.)

3 MR. LAWLOR: Thank you. I live on Luce
4 Creek. There's a small cove after you come in off
5 of the Severn River and I live on that cove, and I
6 would take exception that the erosion that is
7 caused by boats speeding in and out of the creek
8 does cause additional siltation in our creek and
9 our creek is not that deep a creek. Also, I think
10 that with the short distance of the creek it's
11 really not appropriate for waterskiers and things
12 because it is such a short distance and from the
13 headwaters of the creek out to the Severn, if
14 you're maintaining six knots or less it probably
15 takes you four or five minutes, so it's really not
16 a hardship to waterskiers or anybody that wants to
17 do that, and I do think it's somewhat of a safety
18 hazard since I know my grandchildren and their
19 parents love to go out and swim in the creek and it
20 does bring about a safety hazard. Thank you.
21

1 MR. MARSH: Next one is Mr. Lee. Is he
2 here, Mr. Lee?

3 MR. BUSH: Please address the committee
4 when you're talking, sir.

5 MR. LEE: Okay. My name's Don Lee, I
6 also live on the creek, just a little deeper in
7 than where Mr. Lawlor does. I agree with what he
8 said, I think erosion is a problem. I'm back in
9 the cove so my particular lot it's not a problem as
10 far as erosion, but right next to me coming out of
11 a little cove erosion is a problem from a house,
12 construction went on over the last few years. Add
13 to it one other point, there are also Naval Academy
14 buoys in this creek and weekends in the summer
15 especially we get a lot of swimmers in there and we
16 do have a restriction of six miles or six knots on
17 weekends, but we also get a lot of swimmers, people
18 tie up to those buoys and kids swim off the boats
19 right in the middle of the creek, so I think the
20 safety, the safety impact of these kids is just, is
21 a real problem in there. We can see the action out

1 there, you see the boats speeding in and out, I
2 think it is a risk as far as safety is concerned.
3 Thank you.

4 MR. KLING: Could I ask a question?
5 Could you just explain what's the genesis of this
6 petition, why are we here, what's given rise to
7 this request?

8 MR. LEE: Why we're here, I think it's a
9 safety issue, one I just spoke of, that's a big
10 issue, and I also take exception to the erosion,
11 not my lot but right next to me, you can actually
12 see it undermined caused by the speeders that go
13 through there in and out.

14 MR. KLING: You say a safety issue,
15 what's going on that's creating a safety problem?
16 You're not, we're not hearing -- we heard there's a
17 creek.

18 MR. LEE: When boaters come in, my issue
19 was when boaters come in and tie up at these Naval
20 Academy buoys, that the Naval Academy never uses,
21 but they tie up in there and raft up, there'll be

1 several boats tied up to the same buoy, and kids
2 swimming and adults off of boats and they're right
3 in the middle of the creek, so when speedboats go
4 through there, that's the safety issue that I have
5 with it.

6 MR. BUSH: One comment. You said that
7 the Navy never used those buoys. Well, they were
8 put in there for hurricane protection and if
9 there's a real storm they will go in there and they
10 will put their boats there. That's why they're
11 there.

12 MR. LEE: I understand that, except
13 during Hurricane Isabel they did not use them, they
14 went over to Round Bay and put in new buoys, they
15 did not use them then. The fact is I've never
16 seen, in ten years I've lived there I've never
17 actually seen a Navy boat identified being tied up
18 to those buoys, so.

19 MR. BUSH: Okay.

20 MR. MARSH: Next one up is Richard
21 Schoenfeld.

1 MR. SCHOENFELD: Thank you. I'm Richard
2 Schoenfeld, I live on Luce Creek, I was the
3 petitioner, and let me just reiterate a few of the
4 comments. The creek is about 250 feet across. The
5 Navy mooring balls are scattered throughout the
6 creek. I think Bob Lunsford took some measurements
7 and said that yeah, there's enough room for
8 personal watercraft and skiers to go through there
9 without being within the 100 feet of either the
10 shore or the buoy; however, if there is a boat tied
11 up on there it is essentially impossible, if the
12 boat is more than 20 feet, to be at least a hundred
13 feet from the shore and the tied-up boat. It does
14 create a real safety problem and I've been out
15 there in my kayak and had boats come by at high
16 speed and practically swamp me. You can watch the
17 shoreline as the waves come across and hit the
18 shore and bounce back and you can actually see the
19 silt and mud being washed into the water.

20 The safety problem is my biggest issue,
21 that there's just a lot of people out there

1 swimming. Weekends we have a speed limit, it's not
2 an issue. We may think it's an enforcement issue,
3 but I think that most boaters can't judge what's
4 100 feet from a boat or from the shoreline and when
5 there are people tied up it is less than that. Are
6 there any questions the committee has for me?

7 Thank you very much.

8 MR. MARSH: Anyone else want to speak to
9 the issue? We had no one against that.

10 MR. SCHOENFELD: The Navy was there six
11 weeks ago during the tropical storm that came by,
12 they had their fleet of, I think they're 20-foot
13 sailboats, tied up on the mooring balls.

14 MR. BUSH: Okay.

15 MR. MARSH: Is that all the speakers
16 that we have on Luce Creek? Any questions?
17 Anybody else have any questions from the committee?

18 We're going to move on to the next one,
19 which is Clements Creek, and we have -- Bob, would
20 you give us a little --

21 MR. LUNSFORD: Do my shtick again. I

1 don't think I need the mike. Again, the shoreline
2 erosion folks visited Clements Creek, they did a
3 site observation. Their conclusion was based on
4 the above-mentioned observations and conditions it
5 has been determined that wakes produced by boats
6 navigating the waterway have no apparent impact in
7 terms of shoreline erosion in Clements Creek. The
8 officer's report recommended in favor of changing
9 it from Saturdays, Sundays and holidays to six
10 knots at all times every day. That was concurred
11 by the district supervisor but not by the area
12 commander, he did not think it was necessary.

13 Clements Creek is very similar to Luce
14 Creek except for the presence of the community
15 marinas and it is a little larger water body that's
16 in there, but Clements Creek has been brought
17 before the committee before several times. It was
18 also one of the hot button creeks during the Severn
19 River Vessel Management Plan. The comment summary
20 should be on the back of your sheet and I have
21 nothing further to add at this time.

1 MR. MARSH: Okay, Bob. Thanks. We have
2 several that signed up for support of the petition
3 and the first one is Cynthia Conley.

4 MS. CONLEY: Hi, I'm Cindy Conley, I
5 live in The Downs, and my husband was supposed to
6 give this presentation, but it's a last minute
7 thing because he got called into a meeting, so I
8 may have to read some of my comments.

9 The Downs is on peninsula surrounded by
10 two creeks. We're concerned with Clements Creek.
11 My husband and I along with 74 other families
12 belong to a marina on that creek. I have a, we
13 have a signed petition where 66 families are in
14 agreement that we'd like to have the 24/7 speed
15 limit. My husband and I are avid boaters, if you
16 come to our house you'll see that we are bi-boatal.

17 MR. BUSH: Excuse me, speak to the
18 committee, please.

19 MS. CONLEY: I'm sorry. We have a
20 sailboat and a powerboat, we have assorted dingies
21 and kayaks and various, you know, watercrafts. We

1 like to go tubing. In our younger days we went
2 waterskiing, but basically over the years we've
3 seen the demeanor of the creek has changed. It
4 seems that the water quality has gotten a lot
5 better and there are a lot more people using
6 smaller crafts, dingies, kayaks, very small
7 sailboats. There's lots of swimming because
8 people, it's become a destination, which we wish we
9 could have kept secret, because a lot of people
10 come there on the weekends and during the weekdays
11 now to tie up to the Naval Academy moorings and
12 private moorings and raft up. So if you go out
13 there on any nice day any day of the week you'll
14 see tons of people swimming on blow-up rafts,
15 little kids, so it's pretty popular place.

16 We're concerned because when the
17 waterskiers do come in it's sort of a -- it is a
18 larger creek than Luce, but it does have a lot of
19 narrow points on it and so for people to waterski
20 properly they sort of have to go out to the Severn
21 anyway and turn around and then come in, and it

1 comes very close to the marina and all the boats
2 start rocking and it's been sort of dangerous. A
3 couple of times I've actually witnessed elderly
4 people getting unbalanced and falling on their
5 boats, and little kids too, because the boats
6 really do rock when that happens.

7 So we're just hoping that we can, you
8 know, people can maybe waterski in the Severn.
9 When we go out tubing and et cetera, we just go out
10 further in the big part of the Severn River.

11 Our rationale is based on the Maryland
12 requirements for recreational vehicles where it
13 states where it has been determined that an area is
14 too populated with boats and/or persons to allow
15 unlimited speed, speed limits of six knots have
16 been established and skiing is not allowed, and we
17 contend that the creek is becoming populated with
18 an adverse amount of traffic, which makes the
19 adoption of this regulation germane to our
20 position.

21 With regard to waterskiing, it says

1 except for taking off from shore, a towing boat
2 should stay at least 100 feet from the shore,
3 piers, bridges, people in the water and other
4 passing boats, and due to the traffic on the creek
5 and the width of the creek, that's kind of
6 difficult if not impossible on some occasions for
7 high speed vessels to comply with this regulation.

8 So in the end, our observations are that
9 the length of creek is reasonably short, making
10 high speed transit unnecessary to reach even the
11 furthest definition, for example the Saefern
12 marina, in a timely manner, so the risk is not
13 worth minimal effort. The length of creek is
14 reasonably short, thereby making its use for
15 waterskiing suboptimal at best. Only the outer
16 half of the creek is typically used for skiing
17 activities, necessitating the towing boats pull
18 skiers well out into the Severn to make a
19 reasonable run before turning around. The obvious
20 deduction is that waterskiing activities are best
21 pursued in the longer stretches of the Severn

1 River, and again, we just feel that the risk that
2 this causes is simply not worth the benefit and
3 lack of maneuverability of towing vessels even
4 heightens that risk. Thank you.

5 MR. MARSH: Any questions?

6 MR. BUSH: I have one question here. In
7 reference to the request for all times year round,
8 what about just having it only during the boating
9 season when that's where, you know, after the
10 official boating season for Maryland is finished,
11 maybe there need not be a speed limit.

12 MS. CONLEY: Well, giving you my own
13 opinion, because I don't know the opinions of
14 others, but your question is quite logical because
15 as you can see my whole case is based on the
16 activities in the creek during the boating season.
17 So we're worried about people's safety, we're
18 worried about people swimming. You know, I've been
19 a kayaker out there and on occasion I didn't even
20 realize, you know, a boat was coming up on me and I
21 really a couple of times had a couple of close

1 calls, but if no one is out there using it except
2 one waterskier I can see your point.

3 MR. BUSH: Okay, thank you.

4 MR. MARSH: I have a quick question for
5 you. Are there any waterman that use that piece,
6 commercial watermen, crabbers?

7 MS. CONLEY: I do not, I have never --
8 some of the --

9 A PARTICIPANT: Yes, occasionally I see
10 watermen there, yes, not a lot, but occasionally
11 they do come in.

12 MS. CONLEY: I see, we see a lot of
13 recreational crabbers and people fishing. There's
14 a lot of people rock fishing right now.

15 A PARTICIPANT: I'm from that creek, I
16 tend to see people coming along the docks and
17 netting crabs rather than working out in the middle
18 of the creek in terms of watermen.

19 MR. LITTLEFIELD: Run a few trotlines
20 occasionally.

21 MR. BUSH: Thank you very much.

1 A PARTICIPANT: You're welcome.

2 MR. MARSH: Thank you. Next Jeff
3 Conley, he's not here.

4 MS. CONLEY: He's not here.

5 MR. MARSH: At a meeting. Richard
6 Littlefield.

7 MR. LITTLEFIELD: Good morning, my name
8 is Richard Littlefield, I want to point out where I
9 live.

10 MR. BUSH: Excuse me. Speak into the
11 mike.

12 MR. LITTLEFIELD: I will. I'm Richard
13 Littlefield and that little white spot is probably
14 my house. So we have a view which you can see of a
15 lot of the creek. And we've lived there for 28
16 years and I was the one that said I do see watermen
17 activity with trotlines and around the docks and so
18 forth. They are there. And I have a chance to see
19 what happens when during the week now a large boats
20 come through, some waterskiing, some just large
21 boats, and making significant wakes, increasing the

1 danger to the people who are on their boats. I own
2 a boat that is at this marina and I've been down
3 there when these waves have occurred many times and
4 what happens is on this side right here, I guess
5 that's the west side, there's a retaining wall, so
6 the waves come in and actually get amplified by
7 being hit back again, you know what I mean, and so
8 there's an amplification of the waves that are
9 there. So my concern and my wife's concern is one
10 of safety to us getting on and off the boat, you
11 know, loading, unloading and all of that. And we
12 regularly see significant wave action there that we
13 think is dangerous, so we're clearly in favor of
14 the six mile an hour limit all times.

15 I'm not sure I appreciate the
16 seasonality question that you raised, it's a good
17 thought. I just wonder if people would understand
18 that, you know, now November through April I guess
19 would be, I've not seen that on the bay, does that
20 happen already? Somebody doing that?

21 MR. MARSH: What's that, sir?

1 MR. LITTLEFIELD: Are any creeks --

2 MR. LUNSFORD: Yes.

3 MR. DWYER: Most creeks.

4 MR. LITTLEFIELD: What is the time
5 period?

6 MR. LUNSFORD: April 15 to October 15.

7 MR. LITTLEFIELD: All right. Thank you.

8 MR. BUSH: Does anyone have any
9 questions?

10 MS. DUTY: I spoke with a waterman from
11 the Anne Arundel County Watermen's Association and
12 he wasn't aware -- well, he knew there a fellow
13 trotlining in there, he was not aware -- do any
14 waterman live on the creek?

15 MR. LITTLEFIELD: I don't know. I don't
16 know where they come from, but I do see them in
17 there.

18 MS. DUTY: Well, my reason for asking is
19 some of the watermen if they do live on the creek,
20 and I couldn't identify any, but if they were say
21 oystering during the wintertime and they would be

1 having to be in by a certain time, there is a time
2 limit on oystering and if they were slowed down
3 year round could be a problem, so it would be an
4 idea of maybe just doing something during the
5 boating season but leaving the winter months open
6 as the watermen do have to make time limits in
7 landing their catch. So I -- but not knowing if
8 anyone lives on the creek, I'm not sure that that
9 would even affect them. I thought maybe you might
10 know.

11 MR. LITTLEFIELD: I don't.

12 MR. MARSH: Next is Steve Schievelbein.

13 MR. SCHIEVELBEIN: My name is Steve
14 Schievelbein, I live on the creek, I have a 42-foot
15 boat, and I'm here to support the changes to the
16 speed limit to full time six miles an hour all year
17 long. I think the primary reason is safety. With
18 increased population we've got increased boaters
19 and we've got a lot of moorings in there, we've got
20 two marinas and some of these purpose built wake
21 boats through come there and they create a wake

1 about the same size as my boat at like 20 knots and
2 for me to take my boat through there at 20 knots
3 would just be incredibly bad for the shoreline and
4 the safety of anybody in the creek. We have a lot
5 of kayakers, a lot of boats tied up together, four
6 and five wide at the Navy moorings and it is a
7 severe safety issue. But I'd also take exception
8 to the erosion. There is an incredible amount of
9 increased erosion that's got to be over and above
10 the natural rate and it has to be because of boat
11 wake, and I think for that reason alone you should
12 keep it all year long. Any questions? Thank you.

13 MR. MARSH: Thomas Anderson.

14 MR. ANDERSON: Good morning. My name is
15 Tom Anderson, I also live on Clements Creek, I'll
16 try to point that out to you where I live. I live
17 right at the mouth of the creek, right about here.
18 I've lived there for just over five years, I'm an
19 avid boater, we have a 31-foot powerboat and a
20 smaller 17-footer as well. We have a unique
21 perspective because we're on the mouth of that

1 creek so we have the benefit of seeing all boat
2 traffic coming in and we can see down the creek as
3 well. So as you see, we spent our -- we have a
4 screen area and so we spend most of our time in the
5 summertime in the evenings, afternoons out on that
6 screen porch, so we see a lot of the boat traffic
7 coming out of the weekend as well as on the
8 weekdays. So what we see are things that pretty
9 much concern us. We believe there is a safety
10 issue associated with having the higher speed
11 limit. There's substantial kayaking that's gone on
12 in that creek, much more than we've seen over the
13 last two years. We see a lot of small sailboats as
14 well on that creek and a lot of the boaters, as one
15 of our other residents indicated, they come in and
16 raft up essentially, a lot of kids, grownups in the
17 water, and when you're skiing down that creek, it
18 is relatively narrow in certain places, you cannot
19 but be within a hundred foot of those people.

20 In terms of the, what I've seen and what
21 we've experienced living on the creek, we have seen

1 arrests made of certain skiers who were not acting
2 properly, we have been buzzed by certain skiers if
3 you will coming in and coming up next to us as my
4 family were kayaking one day. They finally left
5 after my wife pulled out her camera and started
6 taking pictures, so it does represent a problem.

7 In terms of the erosion point, again, I
8 am one of the individuals who suffered about 150-
9 foot hill failure on that creek, and so we are very
10 familiar with what erosion can occur. A number of
11 my neighbors also experienced hill failures. I
12 have seen the cutting in on the shoreline that
13 people don't have protection. I happen to have
14 protection, but other people did not and you can
15 see the undercut.

16 In terms of the days of the week, it is
17 on, they do require lower speed on the weekends and
18 on holidays, but I can assure you that when people
19 are used to going in that creek at high speed
20 during the week, oftentimes they will forget and
21 they come through that at high rates of speed.

1 In terms of the watermen that use that
2 creek, I see a lot of that. A number of watermen
3 come in. I've never seen any oystering, it's all
4 crabbing, it's trotlines, and the watermen are not
5 the issue. They are very respectful, they do not
6 cause issues, they run in and up, they do their
7 trotlines and are in and out and are very
8 respectful of the speed limit. So they're not the
9 issue.

10 MS. DUTY: John, I just want to, they
11 would not be oystering in the creek, but they would
12 be oystering out in like the bay or the mouth of
13 the Severn, and so it would be just a matter of
14 them commuting back and forth. I just wasn't sure
15 if anyone lived there and kept their boats in the
16 creek.

17 MR. SCHIEVELBEIN: I have never seen
18 one, an oyster boat going in and out.

19 MS. DUTY: It would be in and out, not
20 an operation.

21 MR. SCHIEVELBEIN: I don't believe

1 there's any.

2 MS. DUTY: Thank you for the compliment,
3 I'll let the watermen know.

4 MR. SCHIEVELBEIN: Please do.

5 MR. BUSH: Another question.

6 MR. McLEAN: I didn't have a question
7 for you, I just wanted to make a brief comment.
8 Bob, when you made the comment about the NRP, the
9 officer who made the report is recommending a
10 seven-day-a-week speed zone; however, in reading
11 it, the area commander does not concur.

12 MR. LUNSFORD: Correct. I thought I did
13 that, I apologize if I didn't.

14 MR. BUSH: You did. Are you finished,
15 sir?

16 MR. SCHIEVELBEIN: Thank you.

17 MR. MARSH: Is there anyone else to
18 speak? Yes, sir.

19 MR. EILENBERG: I was a little late, I
20 got my directions mixed up.

21 MR. MARSH: Give us your name if you

1 could.

2 MR. EILENBERG: My name's Tom Eilenberg,
3 I live on Clements Creek also and for about ten
4 years now, and we have a good view of the creek and
5 I can see all the watering activities on the creek
6 from the house, and over the past ten years --

7 MR. BUSH: Turn this way.

8 MR. EILENBERG: Addressing the wrong
9 crew here. In that time I've seen some very
10 dangerous activities by people towing skiers and
11 primarily wakeboarders. It seems like over the
12 last seven or eight years it's been a hundred
13 percent wakeboarders, I haven't seen waterskiers on
14 the creek, but certainly wakeboarders, and of
15 course these boats are trimmed to produce maximum
16 wake and I've actually seen kayaks swamped. A lot
17 of novice kayakers out there. Of course anyone
18 who's been in a kayak knows the first few times
19 you're out there it's tippycanoe time. And I've
20 seen people grabbing some of the Navy moorings,
21 primarily on weekends to get a head start on the

1 weekend on a Friday, and the wakeboarders will come
2 in and also the Jet Skiers come in. One person I
3 witnessed was launching their dingy and just
4 emerged from the transom of their boat and was
5 almost clipped by someone traveling over 30 knots
6 in a Jet Ski. These two young men were on Jet Skis
7 that day and they were coming up to the head of the
8 creek doing a few pirouettes and going back out to
9 the mouth of the creek and back and forth and that
10 lasted several hours.

11 Of course if you actually get a tow boat
12 in there doing that type of activity, you've got a
13 full house. Families pull into the creek, there
14 are kids come out and they're in the water swimming
15 and all of these activities are going on and
16 frankly it's coming too close to the boats, they do
17 come too close to the docks and some responding DNR
18 officers when they're called complaining of these
19 close calls, a couple of them have just said
20 frankly the only way to regulate that kind of
21 activity is a full-time six-knot zone. There's no

1 way to really force anyone to maintain proper
2 distance. We've witnessed people coming within 30
3 feet of our dock, and that's a boat, that's not the
4 skier, and it's just been the skill of the skier
5 that's kept them off our dock, and of course that
6 would be a very bad situation.

7 It's just the, it's just too dense an
8 activity. Population has just increased that much
9 and the numbers of kayaks, small sailboats out
10 there. One older gentleman now in the Saefern
11 marina had an old mahogany dingy he fixed up and
12 I've watched him out there in his boat and he
13 doesn't have time to get out of the way because
14 he's operating completely under sail. Once the
15 boater comes in towing a wakeboard, it's just,
16 there's just not enough room to maintain a hundred
17 foot distance once they get one other element in
18 the creek. If the creek was empty, yes, there's
19 room for a hundred foot, but boats of course have
20 to turn around and they seem to always do so at the
21 head of the creek and of course that creates a huge

1 wake and always in the same spot, and we have trees
2 actually falling into the water. Since spring of
3 2006 we've had five just on our property, and it's
4 just a dangerous situation. Thank you very much.

5 MR. BUSH: Questions.

6 MR. MARSH: Do any of the grandparents
7 or parents on the creek enjoy their kids being able
8 to learn to waterski and enjoy that creek where you
9 live to waterski?

10 MR. EILENBERG: I would assume so, yes,
11 because it seems there are only about five or six
12 groups of wakeboarders that do come up on the creek
13 and at least a couple of them I believe actually
14 have their boats on the creek, either at the
15 Saefern marina or the Clements Creek marina or
16 perhaps at the Epping Forest marina, and I must say
17 of all of the groups there is only one consistent
18 group of wakeboarders that come up the creek there
19 that are always courteous, but only one.
20 Sometimes -- of course you have four people in a
21 boat, they take turns operating the boat, some of

1 them will be courteous and maintain a proper
2 distance and you'll get one person behind the wheel
3 and anything goes. It's very inconsistent.

4 MR. BUSH: One more question.

5 MR. KLOOSTRA: So do I understand the
6 real problem is wakeboarders?

7 MR. EILENBERG: It's the speeds. People
8 out in the middle of the creek in slower moving
9 sailboats especially and in kayaks don't have
10 actually time to get out of the channel once these
11 people enter the creek, and we've had as many as
12 three groups of people towing wakeboards in the
13 creek at the same time and of course that's a very
14 dangerous situation. Just add one more element of
15 one small boat in the creek or somebody on the
16 mooring and it's a very, very dangerous situation
17 there.

18 MR. BUSH: Another question here.

19 MR. KLING: Along those same lines, I
20 thought I heard you say that you really weren't
21 seeing skiers now, that the issue was wakeboarders?

1 MR. EILENBERG: I haven't seen a skier
2 in eight years.

3 MR. KLING: The guys at the head of the
4 creek --

5 A PARTICIPANT: I've seen skiers, I have
6 seen skiers.

7 MR. KLING: Okay.

8 MR. BUSH: Just a moment. I'd like to
9 recognize anyone who'd like to speak before they
10 speak. Go ahead, Steve.

11 MR. KLING: What you would not have a
12 way of being aware of is that we, the a committee
13 has undertaken a regulation that would, without
14 going into details, stop wakeboarding within that
15 creek and other creeks, similar creeks. There are
16 some areas where wakeboarding with large artificial
17 wakes is inappropriate. Would that -- if
18 wakeboarding was not permitted in that creek, would
19 that change the need for a speed limit?

20 MR. EILENBERG: That would really face
21 part of the problem, but it wouldn't really cure

1 the problem or eliminate the problem, because the
2 speeds are the primary issue there.

3 MR. KLING: Who is generating the speed
4 but for the wakeboarders?

5 MR. EILENBERG: Jet Skis, sometimes
6 people will just head up the creek and do a quick
7 turnaround at the head of the creek just out of
8 curiosity or whatever, and they can enter so fast
9 and leave so fast and sometimes, you know, they
10 come very, very close to small sailboats and kayaks
11 and if one were to even want to complain, you don't
12 have a time to get a serial number, they're gone
13 that quickly.

14 MR. MARSH: How about the offseason time
15 of the year, do you see anybody coming up there
16 fast in --

17 MR. EILENBERG: Occasionally.

18 MR. MARSH: -- the fall and winter?

19 MR. EILENBERG: Occasionally. These are
20 primarily -- every now and then you'll see Jet
21 Skiers in wetsuits and people in small private

1 boats, little runabouts, doing a quick turnaround.

2 MR. MARSH: Is that a big issue?

3 MR. EILENBERG: Not a big issue, it's
4 not a persistent problem where someone is making a
5 circuit continuously, like the people who have tow
6 vessels.

7 MR. BUSH: Any other questions? Thank
8 you. Excuse me, one more question.

9 MR. CONLEY: I would like to get up just
10 briefly. I'm Jeff Conley.

11 MR. MARSH: Oh, your wife -- you can
12 speak if you'd like, thank you, sir.

13 MR. CONLEY: Thank you for your
14 indulgence. My wife already has been up and she
15 made a few comments, but I'd just like to say to
16 the committee I happen to have a boat that's right
17 on the edge of our community marina, right on the
18 waterway, Clements Creek, I'm there probably five
19 out of seven days between the months of April and
20 October, so I spend a lot of time whenever I can
21 observing the creek. My observation is that there

1 are absolutely waterskiers. They do not stay, you
2 know, outside the hundred-foot barrier and we try
3 to, you know, live symbiotically with them and
4 we'll do this or we'll just give them little signs
5 like that. You know, we understand they're
6 pursuing their water sports, but I would say that
7 the people that we, I normally see there are not
8 very cooperative, they could care less really. And
9 so that is one aspect of it.

10 Also, this year DNR did pull a group of
11 waterskiers over, they were out of the community
12 that is on Clements Creek and they were cited for
13 drunkenness while waterskiing, Officer Scarborough
14 from DNR, that happened this year, so obviously
15 that does not paint a picture for all people that
16 are waterskiing on the creek, but what it does go
17 to show is this risk factor, and I believe it's all
18 about risks. It's not that we're trying to say we
19 don't want people pursuing water sports of various
20 types on the creek. It's all about risk management
21 in my mind, and as people have already said in the

1 17 years I've lived in the community, The Downs,
2 there's been a very significant increase in people
3 that are using the waterway in that particular
4 creek as people have already said, so the
5 population aspect has gone up, and as I look at the
6 regulations, the Maryland regulations, that is a
7 significant key point as far as speeds on
8 waterways; what's the population, what's the usage
9 of the creek by a vast majority of different people
10 using it. So that is really my whole point, I
11 think that's the main point about risk management,
12 and everybody should be able to use the creek and I
13 believe waterskiers, wakeboarders and Jet Skiers
14 really should have the ability to pursue their
15 sport. I just think if they could move a couple of
16 hundred yards out into the edges of the river
17 that's a much better place for them to do that and
18 the people that are pursuing the slower, more, you
19 know, water sports would not be in danger. Thank
20 you very much.

21 MR. BUSH: Any other questions? I have

1 one quick question. Do you think it would still
2 work if this was only during the boating season?

3 MR. CONLEY: I think that would be a
4 good compromise because, like I said, I'm still
5 down there even during the bad months, not as
6 often, and obviously you do not see the
7 proliferation of different types of people with
8 different types of activities from say November
9 through April, you know. That would be a
10 compromise I would say, yes, if that's what you're
11 asking.

12 MR. BUSH: Yes, that's what I'm asking,
13 thank you.

14 MR. CONLEY: Thank you, sir.

15 MR. MARSH: Anybody else that would like
16 to speak to that?

17 MR. EILENBERG: If I may just add
18 something to what I had spoken about earlier as far
19 as the courteousness of the people coming in and
20 towing boats, some are very courteous, I have asked
21 them if they would just maintain proper distance

1 from the docks and keeping a sharp eye out for
2 smaller boats in the water, and of course they're
3 very courteous and comply with that. Some will
4 just flip me the bird and tell me where to go, and
5 some actually will drop their bathing suits on
6 subsequent runs and stick their bare behind out at
7 me, and sometimes in the evening, I'll come down to
8 the dock next morning and one of my lines would be
9 off the boat and one time even my power cord was
10 yanked, just completely yanked sideways, and it
11 arced and shut the power off inside the boat, but
12 that's, that's not, that's the minority that would
13 do something like that of course. But there is no
14 regulating civility and the only way to control the
15 situation I believe obviously is full time speed
16 limit. Thank you.

17 MR. BUSH: Thank you, sir.

18 MR. MARSH: Thank you. Anyone else?
19 Okay, Bob, we're moving along to Broadwater Creek.

20 MR. LUNSFORD: Broadwater Creek is a
21 creek on the bay front of Anne Arundel County. It

1 was dredged beginning in October of 2009. The
2 petition was submitted and cited that dredging and
3 the corresponding increase in traffic by -- and I'm
4 going to read this -- from resident -- nonresident
5 recreational boaters and waverunners. Most of the
6 activity is high speed and creates safety concerns
7 and issues for our community. The officer
8 recommended, and I will read the two-sentence
9 recommendation, it says there are people on the
10 creek that make their living on the water and need
11 to get their boats in and out of the creek and as I
12 stated earlier there are times that to do so you
13 need to be on top with the engine raised.
14 Therefore I recommend the speed limit stays as it
15 is.

16 On at least one of my visits I did run
17 into a waterman who was working the mouth of the
18 creek, working a set of pots, it was a very low
19 tide day and if I hadn't been able to follow him
20 into the creek through the dredged channel I don't
21 know if I'd have been able to get into it. So the

1 mouth of the creek has already started to shoal and
2 I couldn't, I can't speak for how deep the channel
3 remains inside the two main tributaries, the two
4 main arms of the creek. Thank you.

5 MR. BUSH: Thank you.

6 MR. MARSH: There are two petitioners in
7 support of that. Joe.

8 MR. SEGRETI: My name's Joe Segreti, I
9 live on the creek. I worked with some of the
10 folks, didn't play a big role, in helping getting
11 the creek dredged. Paul Redding couldn't be here
12 and asked me to attend, and what the gentleman just
13 said is true, Broadwater Creek is shallow at the
14 mouth, and what I want to show you is, I think a
15 matrix solution would work. It does shoal up out
16 here, but the name of Broadwater Creek implies it's
17 broad everywhere, it's not, it's very narrow back
18 in here and very shallow. So the name of that
19 creek should Broad, Narrow and Shallow Creek. And
20 the problem that we have is, you know, we spent 50
21 years to get the creek dredged, millions of

1 dollars, took two years, just about every resident
2 on the creek spent another ten thousand or a
3 hundred thousand dollars to get a spur dredged off
4 the main spur to their pier, and the problem that
5 we have is, there's actually three reasons why we
6 want a six-knot speed limit up in the creek. I
7 concur that we probably don't need it here because
8 you do have to get up on plane sometimes to get out
9 of there, and this is my only personal opinion, I'm
10 not speaking for the people that live on either
11 side here, but I have a boat too and I need to get
12 up on plane sometimes to get out of here. Where we
13 need the six-knot speed limit is back up in here,
14 and it's, in fact by law it is a six-knot speed
15 limit.

16 MR. BUSH: You can talk in a normal
17 voice and --

18 MR. SEGRETI: I'm sorry, I'm loud, I
19 know. Can you hear me?

20 MR. BUSH: Yes, sir.

21 MR. SEGRETI: I'm sorry. The problem is

1 back where we live up in the fingers of the creek
2 where it is very narrow, might be 150 feet across
3 where I live, there's a 40-foot channel and the
4 channel is four feet deep. Outside the channel
5 it's, it could be anywhere from 18 to 12 inches
6 deep. And by law from what I've read if you're
7 within a hundred feet of a structure and you're
8 within shallow water, 18 inches deep, you can't go
9 faster than six knots. So all I'm asking is for
10 the law to be enforced, and I see as no different
11 on my residential street there's a 25 mile an hour
12 speed limit sign because children play out there
13 and I would like that enforced on there, because
14 what we have -- there's three reasons I think we
15 need this up in the creek.

16 It's a safety issue. I have three
17 kayaks, my daughter kayaks, my neighbor kayaks, we
18 have canoes, small sailboats, there's people out
19 there trotlining and on the weekends and on
20 summertime days people come roaring up in these
21 fingers 40, 50 miles an hour on Jet Skis. I've

1 seen so many close calls, I've called the DNR, my
2 neighbors have called the DNR, that's why the
3 officer was out there looking in the first place,
4 because we're seeing these close calls out there.
5 So these people should not be going that fast in
6 water that shallow, that close to piers. It's
7 just, they're already breaking the law and all we
8 want is a sign that says hey, this is a law, if
9 you're on a Jet Ski, you can't look down and go oh,
10 jeez, I'm in a foot of water, okay?

11 The other reason is, the second reason
12 is to preserve the channel. I have a degree in
13 geology and I know a little bit about hydraulics
14 and sedimentation and I can walk out there in the
15 morning and the water will be relatively clear and
16 after the Jet Skiers come in there and start doing
17 donuts and high speed passes up and down the creek
18 the water starts to turn to chocolate milk and
19 because it's so shallow up in the headwaters of the
20 creek and they extend for hundreds of yards in each
21 of those three fingers, the sedimentation rains

1 like fine silk, and that's another thing, our creek
2 has a silt bottom, it's not sand, so when these
3 people come in there with these Jet Skis that are
4 angled down and they're in 18 inches of water,
5 they're blasting up the sediment and it turns into
6 chocolate milk and you can go out there and just
7 see, it just covers everything. And in shore water
8 the underwater plants get covered and then they
9 die.

10 So there's plenty of room to go fast, if
11 you want to go fast out in the mouth of the creek
12 or out in the bay, you can go as fast as you want,
13 but up in there, it's delicate, it's an
14 environmental issue and they shouldn't be doing it.
15 When they cross the channels, they're out there
16 doing donuts, and if you go from, you know, a
17 channel this deep, you step over to the side and
18 it's this deep, it just blows it back in the
19 channel. So it's a safety issue, it's preserving
20 the channels and the environmental issues, silt
21 covering everything.

1 So I think a compromise would be in
2 order to put six -- a sign up inside in the
3 channels where they should be doing it and then out
4 in front where if the watermen need to get out they
5 can.

6 MR. BUSH: Okay, thank you. Is there
7 any question for the gentleman, any questions from
8 anyone? Thank you, sir.

9 MR. MARSH: Next is Audrey MacWilliams,
10 I know you've been waiting.

11 MS. MACWILLIAMS: Thank you. I just
12 wanted to tell you that I've lived on the creek for
13 57 years. When I moved there there were very few
14 people and population has increased with people
15 living on the creek and also ones that come in the
16 creek, and back when my boys were growing up we had
17 a sailboat, we had a small cabin cruiser, we had
18 many, many types of small boats, kayaks were not so
19 popular back in those days, but now it's a whole
20 new world --

21 MR. BUSH: Excuse me, if you'd move up.

1 MS. MACWILLIAMS: I'm sorry. I started
2 to say now it's a whole new world from what I knew
3 and had my children grow up in, but my
4 grandchildren grew up there and the safety factor
5 now is really, really bad. The Jet Skiers come in,
6 I live almost up to the head of the creek so they
7 come up and make their circle, and now that we've
8 paid all this money to get, and the county has paid
9 the money to get the creek dredged and all of us
10 have paid eight or ten thousand dollars to put a
11 spur in, they come in, and like Joe said, you can
12 see the mud turn up so you know that they're
13 getting it up out of the bottom. We don't have a
14 sand bottom. If you walk out off of my pier you're
15 going to end up in mud almost to your knees and if
16 we get a very strong west wind coming down the
17 creek we don't have any water at all, I mean it
18 just goes out in the bay.

19 So I urge and request that you please
20 put some six mile an hour, I don't know how you put
21 them up, or whatever you want to do, put them there

1 where the people will see them when they get inside
2 the creek, not in the bay as they started, but when
3 they get back in the creek. And I live up almost
4 to the very end, and it's very really dangerous.
5 My grandchildren are growing up and last month,
6 thank God, I became a great grandmother and I want
7 those two twins to be able to swim and float around
8 on an innertube out in front of my place with some
9 sense of safety for the people that are taking care
10 of it. Thank you very much.

11 MR. BUSH: Thank you. Any questions
12 from anyone?

13 MR. MARSH: The next one up and against
14 the petition is Daniel Buckingham.

15 MR. BUCKINGHAM: Thank you. Hi, I'm
16 Daniel Buckingham. My family are, well, for me
17 it's lifelong, but my family's been there on
18 Broadwater Creek since the early '70s and we're
19 boaters there, I'm a lifelong boater, that's where
20 I learned to boat, was on Broadwater Creek and
21 learned to ski, learned to do all these kinds of

1 thing, and I have a young daughter and making
2 Broadwater Creek a no wake zone would effectively
3 eliminate me doing the same thing for my kids that
4 my grandparents did for me. We have small boats,
5 we have a small sailboat, we have kayaks, we've got
6 a little aluminum boat. You know, the creek is not
7 deep enough to use large boats. You know, if
8 you're going to use a boat in the creek it's going
9 to be a small outboard boat. And that's where we
10 do our majority of our recreational boating there
11 since we have a house right on the creek, and I'd
12 hate to see that get ruined for us.

13 I don't think a six-knot zone is the
14 answer. I think some of the problems that I'm
15 hearing from the petitioners were, it sounds like
16 it's mainly the Jet Skiers, and that's not so much
17 a need for a six-knot zone as just enforcement of
18 the basic rules of the road that need to be
19 followed. Like I said, I've boated on the creek
20 for years and I'm very respectful of, you know, the
21 other people that live on the creek.

1 The other aspect of that is getting out
2 of the creek. As one of the gentlemen said, you
3 can't get out of the creek unless you're on plane,
4 in or out, even at high tide, even with the channel
5 that's been put in, a couple of good storms and the
6 channel's pretty much gone getting out of the
7 creek, so that was, in my opinion it was probably
8 money wasted by the state and by the county because
9 it keeps shoaling in and it's going to keep
10 shoaling in. You get a couple of good nor'easters
11 and the channel's basically gone. There is at
12 least one waterman that depends on getting in and
13 out of the creek, he's a lifelong resident there,
14 and I know from conversations with him he was not
15 in support of the six-knot zone.

16 MR. BUSH: You said he was not in favor
17 of it?

18 MR. BUCKINGHAM: No, because he has the
19 same issue, he can't get in and out of the creek,
20 if it was a six-knot zone he'd be pretty much
21 stuck. It's so shallow that you can't get in and

1 out even, he's got a Carolina Skiff, or boats like
2 that, you can't get out even if you put the engine
3 up at a tilt so that the propeller is basically out
4 of the water, you still can't get in and out.

5 I would also like to say as far as boat
6 traffic, like I said, I've been boating there for
7 30 years now, I maybe don't look that old but I am,
8 and there's probably maybe the same amount or maybe
9 even less traffic than there was when I was
10 younger, maybe 20, 25 years ago. I think there's
11 more Jet Skiers, you know, those types of boats
12 just weren't prevalent back there, but I'd say the
13 number of boats is probably not as many that I see,
14 and I spend a lot of time sitting down the dock
15 watching the boats, but I think it's more the Jet
16 Skis and the boats like that and the way they're
17 used that may be the issue. Broadwater, I don't
18 see where it's silted, you know, as far as the
19 depth of the creek, it's stayed basically pretty
20 consistent over the years that I've been in there;
21 I know the creek pretty well, I can tell you where

1 all the holes and the shallow parts are. I kind of
2 know it like the back of my hand after being in
3 there so many years, but -- so.

4 MR. BUSH: Well, thank you very much.
5 We have a few questions.

6 MR. McLEAN: Where do you live over
7 there?

8 MR. BUSH: You want to --

9 MR. BUCKINGHAM: Let's see if I can --
10 my hand shakes so bad. You see the little square
11 box on the map to the right of where it says
12 Broadwater Creek, right there, just below on the
13 south side of the creek.

14 MR. McLEAN: So you're near the mouth?

15 MR. BUCKINGHAM: Closer to the mouth,
16 yes.

17 MR. McLEAN: Okay, so I'd like to get
18 your reaction, I'm just thinking of different ideas
19 and alternatives and I have reached a conclusion
20 and I'm not sure if the other members of the
21 committee have reached a conclusion, what if the

1 speed limit was just on the various inlets and not
2 on the main part of Broadwater Creek?

3 MR. BUCKINGHAM: That may work. Up
4 farther in the little fingers -- when I was a kid
5 and I learned to waterski we would go up, you know,
6 in the fingers and we would take off and that's
7 where I learned to waterski. There was more
8 traffic out -- there were channel markers out in
9 the other part of the creek. It's a little deeper
10 back there so you can actually take off with
11 waterskiers where you just can't do that out in the
12 main part of the creek. It gets a lot rougher out
13 on the main part of the creek. If the wind shifts,
14 you know, either out of the north or the northeast
15 we get whitecaps at the dock. It's just not
16 practical for that, or even using the little
17 aluminum boats or that kind of thing.

18 MR. BUSH: One more question.

19 MS. DUTY: Maybe you can tell me, the
20 waterman that you talked to, where does he live, do
21 you have a name?

1 MR. BUCKINGHAM: Eddie Howell. He lives
2 on the same side of the creek, about four houses
3 farther up the creek, so he's a little further up.
4 If you see where that one point of land sticks out,
5 he's basically straight next to that on the south
6 side of the creek. Yeah, come over just this way,
7 he's right there. And that's where he comes in and
8 out with his commercial boat.

9 MR. BUSH: Do we have any other
10 questions?

11 MR. MARSH: Does he run a trotline up
12 there in the creek or does he go out?

13 MR. BUCKINGHAM: Some people do
14 trotlines in the creek. Eddie I think does mostly
15 crabbing basically, running in and out of the bay.

16 MS. DUTY: He's a potter.

17 MR. BUCKINGHAM: Yeah, he's a potter for
18 the most part, but you do see people with trotlines
19 up in the finger part of the creek and even out in
20 the main part of the creek.

21 MR. BUSH: One more question.

1 MR. MARSH: In those fingers, I didn't
2 get a chance to visit the site, in those fingers,
3 the depth in the center of that, what's the average
4 depth in the center of the fingers where the skiing
5 is?

6 MR. BUCKINGHAM: As far as outside the
7 channel, it's probably, you know, up by our place
8 you might get 12, 18 inches of water, back there
9 you might get maybe six, eight, 10 more inches,
10 enough that in a smaller outboard boat like we
11 have, you can get it on plane without, you know,
12 blowing a bunch of Rototillers.

13 MR. BUSH: Thank you, sir. At this time
14 if there is anyone that would like to take a
15 five-minute break for relief, you can do that now.
16 If not we're going to continue with the hearing.

17 So we will continue.

18 MR. MARSH: Okay, Bob, next Carr's
19 Creek.

20 MR. LUNSFORD: Carr's Creek is the next
21 creek down the bay front from Broadwater Creek.

1 Again, it's a similar circumstances that was
2 recently dredged. Carr's Creek, personal
3 experience, once you come in past about where that
4 arrow is on the diagonal on the picture there,
5 that's pretty much it for as far as I can go with
6 the big Whaler. The rest of the creek was shallow
7 and I was there at medium tide and at a high tide
8 and I found it extremity difficult to navigate
9 within the creek.

10 The officer's recommendation was, number
11 one, leave the speed limit the way it is or, number
12 two, dredge the creek. I do not have an erosion
13 report. The creek is, the channel is relatively
14 narrow to get in. I had scheduling snafus with the
15 erosion control people, we did not get out and do
16 that particular one, my apologies, and that's all
17 of the information I've got from that one.

18 MR. MARSH: Thank you, Bob. Petitioners
19 in support of that. Thomas Melton.

20 MR. MELTON: Good morning. I live at
21 1091 Broadwater Point Road. Not very good with

1 maps I think, but anyway, we live on one side of
2 the creek and well, first off, I've got 28
3 signatures of property owners down there that would
4 like to have a speed limit. And I don't know who
5 I'm supposed to give it to.

6 MR. LUNSFORD: The chairman.

7 MR. BUSH: Right here.

8 MR. MELTON: Oh, okay. We got a couple
9 of problems down there. Number one, erosion, and
10 number two, speed and safety. Now, I live on a
11 spur there of Carr's Creek and I can't get out on a
12 90, I'm coming out on about a 45 or so and there's
13 an island, you cannot see to get into the main
14 channel until you're kind of in the channel. Now,
15 we got -- to start with, we really didn't have much
16 of a creek until it was dredged this last year, and
17 our traffic is picking back up. At one time there
18 was commercial fishermen that lived back in there
19 and then it silted in and it was nearly impossible
20 to get in and out of there for years. Now that
21 they've spent \$2 million and got a four-foot dredge

1 up through it, which is 40 foot wide, now, those
2 boats coming in and out of there, I don't know much
3 about erosion, but common sense, because that was
4 muck in there, dredged down four feet below tide,
5 but a 40-foot channel, those wakes have got to
6 cause erosion and no way around that, and you can
7 see it, you can see the wake. That's number one.

8 Number two, you got Jet Skiers coming in
9 there like you can't believe at times. So
10 someone's going to get hurt because it's a very
11 narrow channel, it's long, and if you don't know
12 where you're going you still are going to get stuck
13 in the mud. So that's basically, these signatures
14 and all, that's where we feel, number one, we feel
15 safety, and number two, erosion. It took us 50
16 years to get it, I've lived there 26, 27 years and
17 I owned the place seven years before that, and I
18 even saw more erosion in there before it was
19 dredged. But anyway, that's our concern, and I'm
20 not speaking for everybody way up the creek, but I
21 certainly would like to see a speed limit and the

1 truth of the matter is I thought on a 40-foot
2 channel the speed limit was six miles an hour. I
3 don't know the law, that's just what I always
4 heard, that may not be right. But anyway, I
5 certainly do thank you for the consideration and
6 sure would like to get a speed limit. Basically
7 for that and the erosion, thank you.

8 MR. BUSH: Any questions for him? Thank
9 you, sir.

10 MR. MARSH: Next is Susan Williams.

11 MS. WILLIAMS: Hi, I'm Susan Williams at
12 1095 Broadwater Creek Road. I live and my dock is
13 at a junction where one spur, see that first
14 triangler point, yeah, right there, okay, where I
15 live right up at the junction, so the main, the
16 main channel goes back into Deale Beach, past me
17 and then the spur comes up past my dock. Right now
18 I can't launch my kayak from my property, I launch
19 from the next one down. That is hidden behind a
20 large marsh area. When we put our kayaks in we
21 have to get out into the main channel before we can

1 be seen by anybody coming down that channel from
2 Deale Beach. It's scary.

3 I'm also hearing impaired. I don't wear
4 my hearing aids when I go out in that creek because
5 I don't want to spend \$4,000 to get them all wet.
6 So I may not hear a boat coming down that creek.
7 Now, I will say in an unofficial survey 50 percent
8 of the boaters that come down that creek are going
9 slow, I wave, I give them the thumbs up, that's
10 great. Another 50 percent are going so fast they
11 don't even see me out there. So my main issue is
12 safety.

13 The other thing is the erosion. As
14 Mr. Melton said, I just paid \$10,000 to be able to
15 get to my property on the water. When it's low
16 tide the part that was not dredged is mud. It's
17 one of the reasons I have to go to the next
18 property over to take my kayak out. The house that
19 I have right now my father bought in 1979 and he
20 had three docks and a boat ramp, none of which were
21 usable until we dredged this past February. So I

1 really do support the speed limit. Thank you very
2 much for your consideration.

3 MR. BUSH: Any questions?

4 MR. MARSH: Anybody else that's in
5 support of Carr's Creek?

6 MR. BUSH: Take a break now before we go
7 to the next one.

8 MR. MARSH: We're not finished Carr's
9 Creek, we've got against. John Mauck, against the
10 Carr's Creek.

11 MR. MAUCK: How you all doing today?
12 I'm not very good at this but I'm going to give it
13 my best. I've lived on this creek for 39 years, I
14 have a commercial crab license, I go in and out of
15 that creek every day but Monday. When they dredged
16 this creek, your map, I really can't show what
17 really happened, but when they dredged it they only
18 dredged 10 houses out of 35, not counting
19 Broadwater Point, which in my opinion is already on
20 the bay, so they have the waves breaking in on them
21 anyway.

1 There's very little traffic on this
2 creek. You can sit out there for hours and never
3 see anybody. Every once in a while there's a Jet
4 Ski, and I go in and out every day like I said on
5 plane, but I don't go fast, the boat only goes 22
6 miles an hour wide open. You talk about the Jet
7 Skis, there's already a law in place to stop the
8 Jet Skis from going in and out of the main channel
9 because it's around a hundred feet wide plus or
10 minus. Back in the main part of the creek it's
11 three hundred feet wide, which a Jet Ski can go
12 there, but I think Fourth of July I watched, I
13 don't think I saw one Jet Ski in there.

14 I learned to waterski on this creek. We
15 did not really waterski a lot, but we used it for a
16 place to practice, to learn. I taught my children
17 to waterski on this creek with a small Carolina
18 Skiff with small motors on it. I hope, depending
19 on what this board comes up with, that I can teach
20 my grandchildren to ski on this creek. I guess I'm
21 done.

1 MR. BUSH: Any questions for the
2 gentleman? One question.

3 MR. MARSH: Where do you live on the
4 creek?

5 MR. MAUCK: All the way down at the end.

6 MR. LUNSFORD: Back right.

7 MR. MAUCK: See where the little corner,
8 of the step is? Opposite that step. And there's
9 another waterman that lives all the way down.

10 MR. MARSH: You pot or --

11 MR. MAUCK: Yes, crab pots.

12 MR. MARSH: Anybody else?

13 MR. BUSH: Thank you, sir.

14 MR. MARSH: Thank you. Carol Reed.

15 MS. REED: I also have a petition from
16 23 people that live on Carr's Creek all the way
17 down and all the way back up, not on the mouth of
18 it. The majority of the people live in the creek,
19 not out on the front. So I was wondering, here's
20 the petition, on the 28 signatures they just had,
21 were those people that live on the creek or off on

1 the land without the creek? Most of these
2 signatures are people that live there and have
3 lived there for years. We've been there 39 years,
4 we raised our boys there, they learned to ski,
5 crab, every kind of activity that you can do on the
6 water, they loved it. We did not have Jet Skis.
7 We had them a couple of years ago just for a very
8 short time, but very little use on it. Again,
9 there's such little activity on Carr's Creek
10 itself, you can sit there day after day sometimes
11 and not see any boats, any kind of waterways. We
12 do do a fair amount of crabbing, but we have never
13 experienced to any degree any safety features or
14 problems or other boats coming in. Our creek is so
15 shallow, again, 18 inches, at high tide might be a
16 couple of feet, very rarely though. And we get no
17 traffic from people that live somewhere else that
18 come into our creek because they can't -- now that
19 we have a channel coming in only to the community
20 pier, not for the majority of the creek. It's just
21 for the entrance for the first community pier. The

1 majority of us live beyond that. The channel
2 doesn't do any good to us if we can't get up on a
3 little bit of plane³ to get to that channel because
4 we live back at the very end of the creek also.

5 It's just -- my husband grew up the
6 South River so he's been on the water fishing and
7 crabbing, he's a first mate for chartering and
8 everything, so he's very familiar with the water.
9 Even with the installation of public sewage we got
10 very minimum amount of new homes that were built on
11 the water. The majority of the homes there have
12 been there many, many years. Children have come
13 and gone and grown, grandchildren too. So it's
14 just, it's just hardly any activity at all.
15 Anybody that sees a Jet Skier, they're not all the
16 time, it's once in a while, and that would have to
17 be out there on the front, I agree with that, but
18 if you're more than, closer than a hundred feet you
19 should call DNR and report it.

20 We don't feel it warrants a speed limit.
21 It would curtail -- not that we go much faster than

1 six miles an hour, but it would curtail anybody
2 trying to get in and out of the creek on a plane.
3 And again, back -- that's one or two people.
4 There's so few people that use that creek that
5 would warrant any kind of a speed limit. It's a
6 fun creek to crab, do little minnow fishing with
7 the grandkids, we have kayaks, canoes. My
8 husband's powerboat we don't have at our dock
9 because of the mud and his new engine, he doesn't
10 want that mud in there so he trailers it. We did
11 get a sailboat that came in, but it just puts the
12 keel way up, the centerboard, and floats out to the
13 channel to get out. So the activity is just so
14 minimum we just can't figure -- we're very much
15 against the speed limit going in there because it
16 would curtail what little activity there is. Like
17 I said, we don't get outsiders like many of the
18 other creeks have coming in because they have deep
19 water. We get no outsiders anxious to come into
20 our creek because they're going to get stuck, and
21 many times we have to get out the boat and step in

1 the mud and go and push the boat to get it out, you
2 know, of grounding. So we really are not in favor
3 of six mile an hour speed limit. We cannot see in
4 any way how it affects anybody other than maybe the
5 people out on the front, but they really have no
6 association with all of us that live all around it.
7 My signatures are the people that live all around
8 the outskirts of the creek. One or two are water
9 view, they use the creek, the rest are waterfront
10 property, owning up to three hundred feet of water.

11 We have no reports of anybody
12 complaining about erosion. We don't get that much
13 activity for any erosion. Anyhow, I appreciate
14 your consideration and I hope we can keep our creek
15 the way it's always been. Thank you very much.

16 MR. BUSH: Thank you.

17 MR. MARSH: Brian Clark.

18 MR. CLARK: Hello, my name is Brian
19 Clark. I've been living on the creek for 33 years,
20 I was born and raised on it. My grandparents moved
21 there in 1954, my dad moved in in 1965 and I bought

1 my house in 1999. I've spent years crabbing, I
2 started crabbing when I was 14 years old, I got my
3 first boat when I was 18. I learned how to use a
4 boat on that creek because my parents were out
5 front and if I could only go six miles an hour I
6 probably wouldn't have been boating that much
7 because it wouldn't have been that fun.

8 You know, a four horsepower on a little
9 aluminum boat, your wake is probably this big, and
10 you ride back and forth, back and forth, get in and
11 out crabbing and stuff, and as I got older, I got
12 my commercial crabbing license when I was 14, I
13 still hold it, it's a CB3, and that's what I did
14 all through the summer, I would crab and all
15 through when I was in high school and it was a
16 really good summer job. If it weren't for the fact
17 that I could be on plane I probably wouldn't have
18 had a job.

19 I live at the very head of the creek, my
20 house is at the very, very tip right there. My dad
21 lives on the other side, a little further to the

1 mouth, but on the north side of the creek we have
2 75 percent of the property between my father, my
3 grandmother and Mr. Mauck and there's two other
4 houses, so that whole north side of the creek, we
5 pretty much own all the land and we've never had a
6 problem with erosion and everything else.

7 My cousins and my friends, we'd all come
8 over and go skiing in front of my grandmother's
9 house and the parents would sit there and watch us.
10 That's where we learned to ski; it was a good place
11 to ski because it wasn't very rough. You didn't
12 have very many boats at all. You went over to like
13 the West River there's boats everywhere, it was
14 kind of dangerous and it was hard to learn how to
15 ski, especially when you're eight or nine years
16 old, so when I saw the fact that they had the speed
17 limit sign, like proposed speed limit, it made my
18 heart drop because I was thinking I have nieces and
19 I plan on having kids soon too, and I want to be
20 able to teach them how to ski and I want to let
21 them ride around in front of the house and sit

1 there and watch them. I don't want to send them
2 out to the bay or say hey, you gotta go four miles
3 an hour, they'd be like we're done with this,
4 they've got Nintendos, you know. We didn't have
5 that kind of stuff.

6 So I still apparently hold my license
7 and they only dredged to about where that arrow is,
8 to the community ramp, so we have to get from way
9 back there all the way out, and people say it's
10 like a safety issue or anything else, it's really
11 not a blind reach, it's kind of hard coming in and
12 out. There's very, very little traffic, nobody's
13 in there swimming, and when you're coming out it's
14 a straight shot out to the bay once you get there,
15 so if someone was pulling out or whatever, you can
16 see them. It's not like people are doing 70,
17 they're doing 20, if they're on plane, and that's
18 just to stay on top of the water. So, you know, so
19 it's just very little wake, we're not talking about
20 cabin cruisers or four-foot wake. We're talking
21 about aluminum boats, they're small, 15-foot

1 Carolina Skiffs fiberglass boats, stuff like that.
2 I don't think it's a safety issue, I don't think
3 it's an issue with the dredging and if it weren't
4 for the fact that I could be on a plane, I probably
5 wouldn't have gone out. I'm still an avid
6 fisherman, I still hold my license, I still do some
7 crabbing when I work at nights and it would be
8 detrimental if we lost -- if you turned to six
9 miles an hour. I appreciate it, thanks.

10 MR. BUSH: Any questions for him?

11 MR. MARSH: Anybody else want to speak
12 to the issue of Carr's Creek before we move on?
13 Yes, sir.

14 MR. MAUCK: Could I speak again? I just
15 wants to clarify a couple of things.

16 MR. MARSH: Fine, briefly.

17 MR. MAUCK: This is basically the model
18 of the dredging in the creek. They're exactly
19 right back up in Carr's Creek, that's not the
20 problem and I'm sure there's no erosion in there.
21 Our problem is getting there. The channel, as you

1 can see, here's where all the erosion and the
2 problem is down here, it's not that, yeah, it's not
3 back up in here. Here's what we're trying to get
4 the petition for, is in here. What happens back
5 here, it's flat and shallow, it doesn't really
6 matter, I'm sure there's no erosion back in there
7 because they don't have anyplace to go, but, you
8 know, we've got a 40-foot channel, you can see how
9 narrow it is, and it's going to fill in. I spent
10 \$11,000 digging out around the dock and I want to
11 be able to get in and out.

12 MR. BUSH: Yes, sir.

13 MR. MAUCK: Okay.

14 MR. BUSH: Excuse me, sir, we're not
15 having back and forth at this time. We listened to
16 your position, we listened to his position and
17 we're not going to have any conference going back
18 and forth. But thank you very much for your
19 comment, sir.

20 MR. MARSH: Thank you, we appreciate
21 your comments. If you didn't sign up to speak,

1 then, you know, if you need to, we don't have
2 anybody else signed up to speak for or against.
3 Does anyone else want to speak that has not spoken
4 on Carr's? What's your name, sir?

5 MR. MAUCK: John Mauck, his son. Thank
6 you. Now, I grew up there, and I have property on
7 both sides and I learned how to waterski there as
8 well, and the area he's talking about where the
9 channel goes out to the bay there's new grass on
10 both sides and I think if there was erosion there
11 wouldn't be grass, there would be mud up in it. I
12 don't do the environmental stuff, but I haven't
13 seen any erosion. That's all I wanted to say.

14 MR. MARSH: Okay.

15 MR. BUSH: There was one question back
16 there, did you have a question you wished to ask?

17 A PARTICIPANT: I just -- there is mud
18 in the area.

19 MR. BUSH: Oh, okay, all right.

20 MR. MARSH: Okay, we're moving on.

21 Beards Creek. Bob?

1 MR. LUNSFORD: Beards Creek is a
2 tributary of the South River. The petition --
3 Beards Creek is currently six knots Saturdays,
4 Sundays and holidays during boating season with a
5 35-knot daytime, 20-knot nighttime speed limit
6 during the boating season and there is a six-knot
7 minimum wake up at the upper end of the creek. The
8 current petition requests that the current line
9 which runs across here remain anchored on this
10 point and be swung in a more northerly area across
11 here, so there would be a larger area to be
12 included under the six knots. The petition is for
13 six knots at all times year round.

14 The erosion control report came in and
15 again based on the above mentioned observations the
16 condition has been determined that wakes produced
17 by boats navigating the waterway have no apparent
18 impact on shoreline erosion on Beards Creek. The
19 officer is here to present his recommendation if
20 you want to --

21 MR. MARSH: Yes, please come up.

1 CPL. MACKALL: Hello. I apologize, I'm
2 a little under the weather. My name's Corporal Don
3 Mackall and I'm stationed at the South River. For
4 Beards Creek, there's no real issue there as far as
5 I can see. There's very minimal if any erosion
6 whatsoever. As far as the weekend, at the mouth of
7 the creek where the line is now on the weekends
8 just beyond that going into the river with the
9 small circle there, we have a small group of people
10 that will waterski, things like that, we have
11 several Jet Skis in the area. Once a while -- the
12 area is patrolled heavily. Every now and then
13 we'll have somebody slip through, you know, Jet
14 Skis going up the creek itself, but other than that
15 there's no real issue. I think it should stay the
16 way it is. Thank you.

17 MR. MARSH: Thank you. We have
18 petitioners in support of that. Ms. Clifford.

19 MS. CLIFFORD: Good morning. I'd like
20 to relinquish my position first to Gary Jobson, who
21 has another appointment, so Gary will testify and

1 then I.

2 MR. MARSH: Okay, Gary.

3 MR. JOBSON: Good morning, thank you
4 very much. Clearly these are serious issues that
5 you're considering. Let me just say thank you very
6 much for doing it. And as I'm sure you're aware,
7 lots of people throughout the United States follow
8 closely what happens here on the Chesapeake and
9 Annapolis being such a prominent boating place. My
10 role here is I'm president of U.S. Sailing. U.S.
11 Sailing is a national governing body of the sport
12 of sailing and I've spent my whole life on the
13 water and I own a 31-foot race boat and a 42-foot
14 race boat and I've had a series of powerboats and I
15 live up on Spa Creek.

16 This is a important issue because our
17 waterways are getting increasingly crowded all the
18 time, boats are getting faster, and yet we see a
19 proliferation of small boats like kayaks, canoes,
20 small sailboats, eight high schools with sailing
21 programs that are on the water. Safety is

1 paramount to the water, something that the Power
2 Squadron, Coast Guard, Coast Guard Auxiliary, us at
3 U.S. Sailing work hard at and speed does make a
4 difference. At high speed things happen quickly
5 and there is visibility problems and we have had
6 lots of accidents here in the Chesapeake. This
7 problem is only going to increase as our waterways
8 get more crowded.

9 The environment, there's lots of
10 arguments about global warming and erosion, but the
11 fact is the waters are rising on the east coast of
12 the United States and erosion is a big problem and
13 the higher waves you have things will happen and
14 erosion does take place. There's also a noise
15 issue, which affects the quality of life.

16 So my suggestion, because I can tell
17 with the questions you're asking looking for a
18 compromise, designated areas for skiers is
19 appropriate. Wakeboarding is dangerous,
20 particularly with boats trying to make bigger waves
21 for the wakeboarding, it seems to me that should be

1 out, so I hope you'll consider that. And then
2 finally, something for your committee to think
3 about is education. Education is everything, and
4 when you have boaters that don't act properly,
5 they're not educated properly, and that is
6 something that all of us have to do. It takes
7 courage to change things, and I encourage to act
8 wisely, think hard, listen to everybody and act
9 appropriately, because the actions you take do
10 affect everybody but these problems are going to
11 increase as the months and years go by, so I would
12 try to make the action for six knots at this time
13 in as many places as you can and designate specific
14 areas for the skiers and we'll all be a lot better
15 off. Thank you very much.

16 MR. BUSH: Thank you. Any questions?

17 MR. SIMON: Six knots during boating
18 season or all times?

19 MR. JOBSON: I would do six knots all
20 the time. I think it just becomes easy to patrol,
21 understand, people use it, and if you go six knots

1 it's not going to change your ability to go
2 crabbing, you're still in a boat, still getting to
3 move out there. It takes a little longer, but it's
4 safer and more environmentally sound.

5 MR. SIMON: Thank you, sir.

6 MR. MARSH: Do you know, I'm sure
7 someone is going to speak to that, are there
8 crabbers up there? I don't know if they're
9 commercial.

10 MR. JOBSON: We'll let them, somebody
11 that lives there tell you that.

12 MR. MARSH: Thank you.

13 MR. JOBSON: Thank you.

14 MS. CLIFFORD: Thank you. Good morning,
15 I'm Tara Clifford and literally the point person
16 for the Beards Creek petition. I've lived at Cedar
17 Point since 1978 and that's on the northeast
18 intersection of the South River and Beards Creek,
19 South Shore, up there. During these 32 years when
20 I've lived there I've installed riprap twice to
21 help protect the shoreline. Grass shrimp, which we

1 used to seine for for bait, no longer is there.
2 Instead I pick up debris and plastic water bottles
3 that have washed ashore. I was legendary the past
4 15 years for swimming in the creek with my purple
5 bathing cap. That was to highlight myself. I
6 don't do it any longer because of the speeding Jet
7 Skiers.

8 Each of you has a historical to present
9 visual and it displays the increase in population,
10 both residences and marinas, since 1963. The boats
11 now are larger and they create wakes that resemble
12 waves at the ocean. Since 1993 thanks to DNR there
13 has been a sign on my boathouse posting the speed
14 limit. This year at my request DNR provided an
15 additional two and they say six-knot speed, no
16 skiing on Saturday, Sunday or holidays. At my own
17 expense I also had a large sign made identical to
18 the one at Annapolis Landing Marina up the creek
19 and it says slow down, you're responsible for your
20 own wake. There are only three official postings
21 of speeds on Beards Creek and they are relatively

1 small, the letters are small. They are buoys, on a
2 can in a buoy and then one sign on a pier. And
3 that is indicated again on the visual that each you
4 has.

5 Unfortunately boaters seem indifferent
6 and they're not penalized for ignoring the rules.
7 Beards Creek has become a high usage area for
8 boats, Jet Skiers and motorboats, they're out all
9 the time in droves speeding too close to other
10 boats and to my shoreline, jumping in and out of
11 other's wakes. Perhaps people have called DNR and
12 the corporal to report, but the boats are gone by
13 the time the marine police are there. When they go
14 barreling by on a weekend, Saturday or Sunday
15 during boating season and I'm out there on my dock
16 or deck yelling slow down, I get the same reaction
17 that some of the others have reported earlier.
18 It's not very pleasant. About five years ago a
19 reckless operator from not in this area in a rental
20 boat lost control and came careening into my pier,
21 sheared off part of the piling and narrowly missed

1 the boat docked at my pier in which a father and
2 young son were aboard. I still shutter thinking
3 about that and the ramifications.

4 According to the 2008 report by the
5 Maryland Natural Resources Police on recreational
6 boating accidents, most reported accidents occur on
7 Saturday and Sundays. I'm sure that's familiar to
8 you. DNR Sergeant Windemuth said in 2009 there
9 were nine boating-related violations in Beards
10 Creek. Eight of these occurred on a Saturday. And
11 I do ask you to recall Francis Ford Coppola's son
12 Gian, whose untimely death was in 1986 due to a
13 speedboat accident.

14 The lesson is speed kills. Larger boats
15 come up from one of the newer marinas on the creek
16 and in anticipation of getting out into the South
17 River they open up just as they hit my boathouse.
18 Similarly, when these boats are returning back to
19 the marinas they round my point from the South
20 River and don't throttle back until after they've
21 passed the boathouse. I wince when I see them, and

1 I can from my house, because I know the waves soon
2 will be pounding my shore, flooding my yard, which
3 is vanishing, and the wake causes my tenant's boat
4 not just to rock and roll but to hit the dock and
5 has done damage.

6 The regulations governing the speed on
7 Beards Creek were established years ago when there
8 was less population, the boats were different size
9 and the boating traffic far less. I believe Bob
10 Lunsford can attest to this in terms of Beards
11 Creek because he shared with me that he learned to
12 waterski there. For reasons of safety, preserving
13 the shoreline and the health of the creeks for the
14 future, I request that you recognize the peril of
15 keeping business as usual and recommend to DNR
16 Secretary Griffin, one, to change the existing
17 speed limit in the lower portion of Beards Creek to
18 six knots maximum at all times, and to add
19 additional signage and larger size buoys with
20 larger print to alert boaters of the speed limits.

21 I thank you for your consideration. I

1 also want to compliment Bob McLean, who operates
2 SunTime Rentals. I went to his website and saw he
3 has something called cruising suggestions and he
4 directs them out towards Londontown Public House
5 and to the bay and to Annapolis. Unfortunately all
6 too often they rent and come right to Beards Creek.
7 But thank you for trying.

8 MR. BUSH: I'd like to request that as
9 the other people begin to give their testimony, try
10 not to repeat what the other person has said. We
11 do want everyone to have their say, but repetition
12 doesn't change anything and we'd like to move on
13 because we have a lots of people who would like to
14 testify.

15 MR. MARSH: We have Lesa.

16 MS. MCLAUGHLIN: Thank you. My name is
17 Lesa McLaughlin and I live at 350 Berkshire Drive,
18 which is at the end of Berkshire Drive with a
19 community marina that comes out to the point of
20 Beards Creek just across from the airport.
21 Ms. Clifford -- right? -- is a tough act to follow.

1 I'm in a hundred percent agreement with what she
2 has to say. My husband and I have been boating for
3 30-some years and my main motivation for boating is
4 waterskiing and wakeboarding. And I don't do it on
5 Beards Creek because I think it's too dangerous and
6 too fast and too narrow, especially at the point
7 where it comes up -- yeah, is it on? No. Okay,
8 here's the airport, it narrows across right in
9 here, there's a little point that sticks out, many,
10 many waterskiers during the week, many wakeboarders
11 during the week and there's just not enough room
12 for them to pass. We go elsewhere outside of our
13 community to waterski and wakeboard, further up the
14 South and out in the designated waterski areas.

15 And as far as erosion goes, I have to
16 say that there are several points out on Beards
17 Creek where there's been hill failure, part --
18 there's a point, let's see, I guess there's
19 Hardesty Creek right in there -- is that where
20 Hardesty Creek is, Ms. Clifford? -- maybe a little
21 closer out. Anyway, there's a point that the

1 hill's falling and it's receding and receding and
2 receding, and it has done quite a bit in the five
3 years that I've lived there. The cove at our
4 marina is also eroding. So for me and many people
5 in my community it's really a safety issue between
6 wakeboarders, waterskiing, high speed boats, many
7 people swimming in the creek. Many people anchor
8 out there. There's just not enough room for all
9 the activity, and I'd like to reiterate that the
10 whole idea of it being a residential area, you
11 know, we don't drive 50 miles an hour on a
12 residential street, we shouldn't be going 20 or 30
13 miles an hour in our residential creek. Thank you.

14 MR. BUSH: Thank you. Any questions?
15 Thank you.

16 MR. MARSH: Thank you. Ilona?

17 MR. WILLIAMS: She had to leave, I'm
18 next one down, Steve. Steve Williams. Thank you
19 for allowing me to speak, thank you for having this
20 hearing. Primarily I don't have a big issue with
21 the boat speeds, I do have a big issue with the

1 wakeboarding, because they do in fact wakeboard up
2 beyond the curve beyond Lee Airport and turn around
3 at the head of that water. The erosion that the
4 lady was mentioning before me is right at the point
5 arrow, there's --

6 MR. BUSH: If you would move that just a
7 little bit away from your mouth -- that's perfect.

8 MR. WILLIAMS: The white arrow, there is
9 a road -- there's a cliff hill right across from
10 our house and it is eroding, oh, two trees a year,
11 three trees a year, and all along that same shoal
12 which is called Hardesty Cove or something there's
13 at least two trees that have fallen into the cove
14 in the past, I don't know, past four years. So I
15 don't know what the definition of erosion is, but
16 it exists on Beards Creek. Our property is
17 protected by riprap and before Isabel we never had
18 water over the riprap. Since Isabel at least four
19 times a year or maybe more we have water well over
20 six, eight inches over the riprap and that in
21 itself is eroding our property back into the

1 neighbor's. Thank you.

2 MR. BUSH: Any questions for him?

3 MR. MARSH: Where is your property?

4 Give us an idea of that.

5 MR. WILLIAMS: The white arrow.

6 (Discussion held off the record.)

7 MR. WILLIAMS: Right there.

8 MR. MARSH: Right there.

9 MR. WILLIAMS: Used to have a 33-foot
10 sailboat.

11 MR. BUSH: Thank you.

12 MR. MARSH: Thank you, sir.

13 MR. BUSH: Any other questions?

14 MR. MARSH: John Clifford.

15 MR. CLIFFORD: Good morning. I'm John
16 Clifford, Coast Guard certified captain and my
17 family owns the house right on Cedar Point. I
18 taught my son how to ski, how to boat and kayak
19 right there, but recently I've noticed just boat
20 traffic and speed has gone up exponentially. I
21 don't kayak there much anymore because of just the

1 amount of volume and speed and people that don't
2 look for small boats. We've had many, many close
3 calls, our pier's been damaged, sheared off a
4 piling, I mean it's, it's something. But I
5 definitely agree with my stepmom that there needs
6 to be lower than six miles an hour at all times.

7 MR. MARSH: Could you point out where
8 you live?

9 MR. CLIFFORD: Right on the point.

10 MR. MARSH: That's you right there?

11 MR. CLIFFORD: The whole point.

12 MR. BUSH: Whole point. Thank you. Any
13 other questions?

14 MR. MARSH: Do you have a question?

15 A PARTICIPANT: Actually a few remarks.

16 MR. BUSH: Did you sign up?

17 MR. MARSH: Did you sign up?

18 A PARTICIPANT: No, I'm sorry.

19 MR. MARSH: At the end we'll ask for
20 whoever hasn't signed up.

21 MR. BUSH: You've got an opportunity to

1 speak.

2 MR. MARSH: Diana Muller is the South
3 Riverkeeper.

4 MS. MULLER: Good morning. My name is
5 Diana Muller, I'm the South Riverkeeper for the
6 South River Federation, which Coles just got off of
7 our board from, so I patrol the whole river and
8 unfortunately I do not see the Department of
9 Natural Resources Police out there as often as I am
10 and we are -- you guys need a sign-up sheet for
11 politically neutral. I'm not for or against it
12 because since I am out there all the time and I
13 monitor water quality at 22 stations, sometimes I
14 need to go at 20 miles an hour and I would not get
15 any of my work done at six miles an hour. I grew
16 up in the Pacific Northwest, hard core fishing, so
17 I grew up as a commercial water girl, knowing how
18 to run a boat by age six. I grew up the
19 old-fashioned way; we didn't have a depth finder,
20 and if you run a wood boat aground in the Pacific
21 Northwest you're going to die. Out here it's a

1 different story. When people run aground out here,
2 and I see it often, it's on a sandbar. However,
3 I'm seeing more and more safety concerns, so I want
4 to speak about the safety and the health.

5 Beards Creek is a Tier II waterway
6 because it's impaired for bacteria. Most people
7 don't know that. Unfortunately, Maryland
8 Department of the Environment does not tell people
9 this. I am working on comments on the Watershed
10 Flotation Plan, I found this out myself, so if
11 people are swimming all the time in the summer and
12 it's raining like this, you should not be swimming
13 out there 48 hours after a rainfall. But I see it
14 all the time. My kids want to swim after a heavy
15 rainstorm. In Beards Creek we see, especially me
16 since I'm out there, have been hit, almost hit
17 three times by Jet Skiers, and unfortunately it's
18 not the speedlimit, these people are going to
19 speed anyway, the same with out in the street. I
20 live on a road where it's 25 miles an hour, people
21 are doing 50. These people are going to go 50 no

1 matter what. We need better enforcement on the
2 weekend when no one's around watching them and we
3 need better education.

4 As I sat here all morning watching this,
5 I'm really rethinking the boating education in our
6 state, period. People of my age, people any time
7 after 1972 can go and get a boater's license. I've
8 sat in, working on my captain's license, watching
9 people in their 50s and 60s, never been on water
10 before in their life, they go out and buy a big
11 boat, they get a Jet Ski, and they're hauling,
12 excuse my language, they're hauling --- everywhere
13 and they don't care. They hit almost the markers
14 out there near Mike's Crab House, off of Beards
15 Points there's a giant spit that's not marked, I
16 tried to save a midshipman's boat that he ran
17 aground there, several boats hit that sand spit and
18 somebody's going to hit it hard enough and the
19 tubers are going to go flying forward and severely
20 injure themselves. So the spits are not marked
21 appropriately, and again it's education. Education

1 and enforcement is the biggest thing, so really,
2 again, I sit here and listen to people, people are
3 going to speed no matter what, they don't care.
4 There's a lot of drinking and beating, so we need
5 better enforcement and better education.

6 MR. BUSH: Any questions for her? Thank
7 you.

8 MR. MARSH: Jules, Jules here?
9 J-U-L-E-S? Bob C-L-O-P-P.

10 MR. CLOPP: Thank you for giving me the
11 time here to speak this shortly. We live on Beards
12 Creek and we're on the first corner of Beards
13 Creek. One thing about the structure of Beards
14 Creek that did not come up is that it narrows at
15 that neck probably a couple of hundred yards and
16 the issue we have is wakes. I've seen wakes come
17 in there at three feet or more, and I keep a boat
18 in private water, I cannot get on or off my boat,
19 until it's quiet. I've been injured and my boat
20 has been injured. Those wakes have to be affecting
21 every boat that's moored there. We have a one- or

1 visited my property, I have undercropping. The
2 house next to me I would say probably less than 15
3 years will not be there. Part of that problem is
4 weather, the other part is wave action. As I said,
5 you get a three- or four-foot wave that's larger
6 than any wave I've ever seen in any storm, it's
7 more of a hurricane look. So we are seeing effects
8 of erosion.

9 The net of it is I'd like to see six
10 miles an hour at all times. I think if we limit
11 the amount of traffic and just limit it to the
12 boating season the number of boats that will pass
13 through this point, which is about two or three
14 hundred yards wide, will greatly be reduced and
15 definitely will limit some of the problems. Thank
16 you.

17 MR. BUSH: Any questions for the
18 gentleman?

19 MR. MARSH: Can you point out where you
20 live?

21 MR. CLOPP: Sure. Here's where they

1 were mentioning a large area for skiing, we're
2 right here on this point. The skiing out of this
3 area probably would not affect us at all, but when
4 you get to this narrowing down here with a high
5 speed boat and come straight down the middle at
6 times, but when you start throwing a wake and all
7 these areas are washed out and there's a marina on
8 this side and marinas down in here. The ones that
9 are causing it are the marinas down here where they
10 stop their boat, these are people and neighbors
11 that are causing your problem. These aren't
12 necessarily people that come in from rental. These
13 are neighbors, people that should know, total
14 disregard for what damage is being done.

15 MR. BUSH: Any questions?

16 MR. MARSH: Clem Knox.

17 MS. KNOX: Hello. My name is Clementine
18 Knox and I live just a few houses down the river,
19 or up the river from Ms. Clifford, and I'll just be
20 brief because we do not have a powerboat. My
21 husband and I live there with our two small

1 daughters, we have kayaks and a canoe, which we got
2 last year, and we've been during the week or on the
3 weekends coming out into the mouth, not to the
4 river, but just beyond that point. The waves come
5 in and it's just feeling way too dangerous to even
6 get the boat with the children or ourselves.
7 There's the wakes, I think it's so wide right there
8 that people sort of disregard that that's the start
9 of a creek, so those wakes come in, and again, the
10 speed of the boats tend to disregard -- some of
11 them are courteous as always and some don't, but as
12 far as being kayaker I would definitely go for the
13 year round six mile per hour limit.

14 We're considering getting a speedboat.
15 We'd love to teach our kids to waterski and I see
16 no reason why we have to do it on the creek when we
17 can just go right around the corner to the river
18 and it's just going to get more crowded. So that's
19 my position. Thank you.

20 MR. BUSH: Any questions? One question.

21 MR. MARSH: Are there some commercial

1 watermen that live up there?

2 MS. CLIFFORD: I think there is one
3 because I hear the boat coming down slowly in the
4 morning about 5 or 5:30, but there are crab pots
5 that commercial crabbers come in for.

6 MR. MARSH: Thank you. Is there anyone
7 else in support that would like to speak before we
8 move on?

9 A PARTICIPANT: As far as Beards Creek,
10 as far as your commercial activity --

11 MR. MARSH: Stand up.

12 A PARTICIPANT: As far as commercial
13 activity, the crab line is at the mouth of the
14 river so there's no crab pots beyond that as far as
15 commercial activities. Recreational, your
16 homeowners, they have two pots each, you have some
17 trotlining there in the area. As far as any speed
18 zone, anywhere in the state boats don't shut down
19 until they hit that line, so if you live at the
20 point or the mouth of the creek you're going to get
21 slammed no matter what. That's just something to

1 keep in mind.

2 MR. BUSH: Thank you.

3 MR. MARSH: Thank you. We're moving on
4 now to those against. That would be Joseph Keller.

5 MR. KELLER: Thank you for letting me
6 speak. I've been boating my entire life. My
7 father built a 35-foot trimaran planning to sail
8 around the world. In reality he had family
9 obligations and whatnot. So I've been on the water
10 my entire life. I actually lived in a different
11 part of Maryland before I moved to Edgewater. I
12 specifically moved to Edgewater to ski on the South
13 River. Myself and a half dozen other people
14 barefoot waterski on the South River and when the
15 water is calm and there's not too much traffic we
16 will go to the ski course at the head of the South
17 River, but most of the time during the week either
18 the wind or other boating activities prohibits
19 that. You get a four-foot roller it's going to
20 give you a good tumble, so we try to find the
21 calmest water that we can and that's always been

1 Beards Creek. I've been using that for more than
2 ten years now. We had a hearing about five years
3 ago with the same issue. Boating traffic hasn't
4 changed that I can see.

5 I do have a problem with that type of
6 activity that we've heard repeatedly where people
7 don't pay attention to other boaters, they come too
8 fast, the Jet Skiers in particular. It's really
9 frustrating in a ski course to see people just
10 flying right in there when they know that someone
11 shouldn't be coming in. They give they're
12 burghers, they've lived there longer than you,
13 something like that, which I've never quite
14 understood. Anyway, I would like to see the limits
15 stay the way that they are.

16 MR. BUSH: Thank you. Any questions for
17 the gentleman? Thank you.

18 MR. MARSH: Geoffrey Newman.

19 MR. NEWMAN: Hello, my name is Geoffrey
20 Newman and I grew up in Withernsea on Beards Creek
21 and we used to -- I learned to waterski on Beards

1 Creek. It's a very safe and remote area, I think
2 it would be a real shame to not allow us to ski
3 there anymore. Currently I live in Edgewater Beach
4 just east, north and east, I believe that's
5 correct, of the area we're talking about and
6 there's a considerable amount of waterskiers in
7 that area and Jet Skiers as well. And I haven't
8 seen any erosion on our neighborhood front
9 whatsoever and I have seen a lot of the grass
10 shrimp. Someone said they were disappearing, I
11 haven't seen any signs of that. And I would love
12 to have my two children be able to learn out to ski
13 on the Beards Creek, I think that's an excellent
14 area for families to be. That's all I have to say,
15 thank you.

16 MR. BUSH: Any questions for the
17 gentleman?

18 MR. PARLIN: Where do you live?

19 MR. NEWMAN: I would say Withernsea is
20 back up in here.

21 MR. BUSH: Any other questions?

1 MR. MARSH: Ron Deacon.

2 MR. ROH: My name's Tom Roh, I'm Ron's
3 next-door neighbor and he had to leave so he
4 requested that I take his place.

5 MR. MARSH: What was your name again?

6 MR. ROH: Thomas Roh, R-O-H. Ron and I
7 are property owners on the creek, we are just out
8 beyond the six-knot buoy across the point on the
9 opposite side out here at the, you know, across
10 from Mike's Crab House on the Riva Road side there,
11 okay. So we, you know, skiing out there in the
12 mouth, in the bowl out here is fine early in the
13 morning, but, you know, I think everyone here is
14 aware that there are inherent risks in all water
15 activities, okay, and so skiers for their enjoyment
16 and safety are going to seek out calm, protected
17 waters. Beards Creek is one of the few places on
18 the river that offers that. The controlled ski
19 course up at the headwaters is the other premier
20 place, those are the two premier places on the
21 upper part of the river that offer safe skiing, and

1 safety is a relative thing here. We promote the
2 use of the, leaving the six-knot limit as it is,
3 gives a balance of use in the area. Again, there
4 are risks for everyone for all water activities and
5 I think everybody who goes on the water accepts
6 those risks to, you know, to varying degrees, so we
7 still promote the continued use of Beards Creek as
8 it is and to shut it down, you know, on a full-time
9 basis would force skiing into more a constricted
10 area and increase the safety hazard for skiers and
11 other boaters alike because of forcing a
12 concentration into a still more limited area, so
13 not to reiterate the other things, but that's part
14 of the focus that needs to be considered. Thank
15 you.

16 MR. MARSH: Questions?

17 MR. BUSH: Thank you, sir. Ron Simon.

18 MR. SIMON: Kevin Simon. Thanks for
19 listening to me. I live at 2996 Valley View Road
20 in Cape St. John, and anyway, it's just right
21 across, right after, just above the 2700, 2700

1 feet, and I waterski all the time. I grew up on
2 Almshouse Creek, my whole family did. They used to
3 call my boat the Queen Mary because I would go out
4 every morning and go crabbing and, you know, I
5 would go out five or six times a day in my little
6 boat and when I brought it back in from crabbing I
7 would get my little ski boat out and a couple of my
8 buddies and we would get up on skis and we didn't
9 have a boat that was quite fast enough to ski so
10 we'd have to, you know, turn a lot to stay up on
11 skis. And my boys now, here it is 31 years later,
12 I have 12- and 13-year-old boys, one has taken the
13 safety course, the other one has too but hasn't
14 passed the test yet, and safety is number one, you
15 know, to my family and stuff like that, and I live
16 on the water so I see the marine police out there a
17 lot, they patrol the river. All the time I see
18 boats that are going up and down the South River
19 breaking the law, and those are, those are law
20 breakers, but the most, the majority of boaters,
21 say skiers that go early in the morning to go

1 waterskiing up in the creek or that would, you
2 know, have lunch, you know, during the week, those
3 people, those people are people that are law-
4 abiding boaters and they're not -- there's not a
5 lot of accidents up in that river. I don't think
6 that there's any, and I just think it would be a
7 shame to tell my boys instead of going up into the
8 creek to waterski where I can keep an eye on them
9 to go out there and waterski with the big boats on
10 the South River. Where else would we waterski? I
11 think it would be far, far more dangerous for me to
12 be driving a boat and my son to fall off waterskis
13 and have to turn around quick because there's a
14 cabin cruiser right behind him.

15 So my vote is to stay with the speed
16 limit on the weekends, and actually I wish that
17 wasn't the case, but during the week certainly
18 there's not a lot of traffic on Beards Creek and
19 boaters during the week are very cooperative and so
20 I would ask that you guys would consider keeping
21 everything the same.

1 MR. BUSH: Any questions for the
2 gentleman? Thank you.

3 MR. MARSH: Thank you. Charles.

4 MR. KLEINRICHERT: Kleinrichert.

5 MR. MARSH: I like that name. I didn't
6 want to mess it up.

7 MR. KLEINRICHERT: Thank you. My name
8 is Charles Kleinrichert and I live at 121 Edgewater
9 Drive, which is just around the entrance of Beards
10 Creek. It's called Spring Lake where we are. I
11 have two boys; I selected my property almost 20
12 years ago based on the ability to ski on the South
13 River. Being able to be an avid skier has been an
14 important part of my life and I've always wanted
15 that to be part of my children's life growing up.
16 Being able to teach them to use a boat and get
17 their license was one of the most important things
18 to me as their recreation growing up. Even though
19 they got their boating license at a young age I
20 would not let them go out on the South River, I
21 regulated them onto Beards Creek, a safe area,

1 areas where I knew there would be no high speed
2 boats traveling, and yet I know they wouldn't be
3 out of danger. They've been skiing there and I've
4 been skiing there for years. We also kayak, we use
5 rowing shells, canoes, never had an issue, and when
6 they did regulate it for weekends I understood, but
7 now we're going to compromise it to the point of
8 not being able to use it, what's next? Are we
9 going to shut down the rest of the river and have
10 to go to the bay? That's the problem that we're
11 seeing right now. I'm strongly opposing it and I
12 think that we really need to look at educating the
13 boat traffic that's on the river. That's really
14 what it's about, education. You can't regulate
15 politeness and courtesy on these boaters out there,
16 but we really need to see more education, we've
17 really got to regulate it as far as what people are
18 doing.

19 And as far as the accident that happened
20 on the river, on Beards Creek, I actually saw that
21 happen, and it was a rental boat, I helped one of

1 the people who had fallen from the boat and I saw
2 what happened. They weren't deep into Beards
3 Creek, they were turning and they lost control,
4 they weren't educated, they did not have the proper
5 training to operate a boat, and accidents happen
6 and it just goes to show that we really just have
7 to educate people. Look at the people driving cars
8 and what's happening with them. You're putting
9 young people on the road, you can't regulate them
10 outside of having a license, you have to educate
11 them, and that's what happens with the boater.
12 We've really got to get a little more strict about
13 who operates boats and how they operate them and
14 the penalties have to be severe, but to try to
15 close down areas because people aren't happy with
16 what's going on with the people that are operating
17 the watercrafts, I'm opposed to that and, you know,
18 making a big investment in waterfront property I
19 think is something that everybody looks to do, but
20 they don't want to be regulated away.

21 We're right there up against Lee

1 Airport, people are talking about trying to close
2 Lee Airport because they don't like the airplanes
3 flying overhead because they're afraid it's a
4 safety hazard. Why did they buy a home there?
5 It's the same thing with the people that are upset
6 with the way the waterways are. If I'm not happy
7 because the waves are washing in and eroding my
8 property, I shouldn't have bought a waterfront
9 home. It's going to cost me to maintain that.

10 Anyway, I'm strongly opposed to it and
11 I'm, you know, in favor of getting tighter
12 regulations and educating the people out there and
13 getting better water safety.

14 MR. MARSH: Any questions?

15 MR. BUSH: Any questions for the
16 gentleman? Thank you.

17 MR. MARSH: Anyone else wish to speak
18 that has not had the opportunity to speak? Come up
19 and give us your name so you're on the record.

20 MS. SHUGARMAN: Hi, thanks for this
21 opportunity. My name is Megan Shugarman and we

1 live on Broad Creek, which is just opposite of
2 Beards Creek.

3 MR. BUSH: Excuse me, she's trying to
4 take down your name.

5 MS. SHUGARMAN: Megan Shugarman,
6 S-H-U-G-A-R-M-A-N. We've lived there for about ten
7 years, my husband and I have been waterskiing for
8 about four years, so my remarks are really just
9 specific to the rights of waterskiers. We're
10 members of South River Waterskier group and we
11 value our close relationship with DNR and
12 waterskiers are some of the safest and most
13 educated boaters on the waters. I'm not here to
14 talk about the Jet Skiers and the wakeboarders, I
15 think we'll share a lot of the mutual concerns
16 about some of the things --

17 THE CHAIRMAN: Excuse me, would you just
18 slow down a little bit?

19 MS. SHUGARMAN: Sorry. I'm trying to
20 pick up my son from school too.

21 MR. BUSH: We want to understand what

1 you're saying.

2 MS. SHUGARMAN: Sure, thank you, but
3 just to put it in context, I mean Beards Creek
4 already has a no wake zone on the weekends and
5 holidays, the highest volume days, so you're really
6 just looking at, just putting it in context here,
7 is that the weekdays where there's less traffic and
8 hopefully less of rental boaters and people coming
9 in from Bethesda and Arlington who would be less
10 likely to know what the regulations would be. A
11 19- to 20-foot ski boat at 30 miles per hour is
12 going to throw less wake than at six miles per hour
13 and serious skiers --

14 MR. BUSH: Excuse me again, just slow it
15 down.

16 MS. SHUGARMAN: I'm sorry, I'm sorry.

17 MR. BUSH: We want to have a speed
18 break.

19 MS. SHUGARMAN: Sorry.

20 MR. BUSH: Okay.

21 MS. SHUGARMAN: We find that the skiing

1 there, right now there are really only two places
2 on the whole river, South River where the ski
3 course is or parts of Beards Creek. And if you're
4 taking that right away from any waterskier you're
5 going to drive people up toward the channel and I
6 think you'll have more safety issues like the
7 tragedy, last tragic accident of last summer where
8 someone was run over in the Severn because they
9 were out in the channel. So I'm just really
10 asking, as a waterfront property owner myself, we
11 knew that there was going to be water traffic and
12 also some risks and some nuisances, but that's sort
13 of the beauty and the gift of being by the water to
14 be able to enjoy these things, and I'd like to set
15 the context of the waterskiers having a very, very
16 low rate, you don't find drinking, you find
17 waterskiers take their children to the Coast Guard
18 safety school, they get their licenses about age 8,
19 whenever they're able to. So I would like to kind
20 of put it in context that there's very few places
21 for waterskiers to go, to make them available and

1 to urge to you do that. Thanks.

2 MR. BUSH: Thanks.

3 MR. MARSH: She even moves fast and
4 talks fast, don't get in her way.

5 Is there anyone else who has not spoken
6 about Beards Creek that wishes to speak? That has
7 not spoken. What's your name and if you could
8 state for her --

9 MS. GLENDENNING: It's Prudence
10 Glendenning and I live on Beards Creek at 113 Park
11 Avenue, right next to --

12 MR. MARSH: Take the mike, there you go,
13 and you can point out where you live and push that
14 red button.

15 MS. GLENDENNING: I'd just like to speak
16 in favor of changing the regulation. But just to
17 reiterate that we do have a ski course on the South
18 River and I can understand that you want to have a
19 safe place and we would encourage that you use that
20 South River ski course.

21 MR. MARSH: Thank you.

1 MR. BUSH: Any other questions? Okay.
2 Thank you. Thank you everyone who has testified so
3 far. We are currently going to break for lunch.
4 After lunch we will come back into session. You
5 are welcome to come back when we start to
6 deliberate the issues that we've discussed so far;
7 however, you will not have an opportunity to
8 address the issue, but there will be an opportunity
9 to observe what we do. We're going to take a break
10 now, we're probably going to come back at, I think
11 1 o'clock. Does that work out okay for everyone?
12 And so -- one second, please.

13 A PARTICIPANT: One question for you, in
14 your deliberations will you make decisions today?
15 Thank you. And thank you for your time.

16 MR. BUSH: We're adjourning until 1.

17 (Luncheon recess.)

18 MR. BUSH: We're going to start as soon
19 as everyone gets in their seat. As soon as we get
20 your attention we will start again.

21 Thank you very much. In order to

1 accommodate one of our members that has an
2 obligation we're going to take Beards Creek up
3 first in our deliberation. So did he have --

4 MR. DWYER: I would make a motion that
5 we take no action on Beards Creek.

6 MR. McLEAN: Second.

7 MR. BUSH: We have a motion and then we
8 have a second. Discussion, any discussion on that?

9 MR. KLING: I have a question, Bob.

10 MR. LUNSFORD: Sir.

11 MR. KLING: The motion with Beards Creek
12 is direct no change. I just, what would be the
13 implications of swinging the existing weekend line,
14 is there any?

15 MR. LUNSFORD: It would be less area for
16 recreational activity on the weekends, but I don't,
17 I don't know what the practical -- I don't know
18 anything particular about that area that --

19 MS. CRAIG: I think her issue has a lot
20 to do with the traffic in the main part of the
21 water anyway and changing that won't make that much

1 of a difference.

2 MR. KLING: I understand, but part of
3 the petition is to swing the line also.

4 MR. McLEAN: On the north side, or the
5 west side.

6 MR. KLING: Yeah.

7 MR. McLEAN: That will not affect her,
8 her line is stable.

9 MR. LUNSFORD: The current line runs
10 across this way. The request is to swing it from
11 here up to this point.

12 MR. McLEAN: That would affect her also.

13 MR. SIMON: Moving further out?

14 MR. LUNSFORD: Correct, move the, what
15 would be the kind of north side line.

16 MR. McLEAN: The west or north side.

17 MR. BUSH: The chair recognizes --

18 MR. McLEAN: Thank you. I am there all
19 the time, my business is right there on the number
20 two bridge as you can see from the photo, and I
21 don't know what time of year that is, but you can

1 see a corner of my business there, so I'm very
2 familiar with that area. Swinging the line, what
3 she's getting is a lot of the wakes that go up and
4 down the South River. Yeah, there's probably a few
5 that comes out of Beards Creek, but mostly it is
6 the wakes on the South River that roll in or boats
7 coming into Beards Creek. Just like the officer
8 said, they get right to the buoy before they slow
9 down, they're going to get those wakes. To swing
10 the line is not going to help her. There's a
11 sandbar up on there as you go out to the South
12 River, people don't go close to that shoreline,
13 they have to swing down into the mouth of the creek
14 to go into the creek. And for the record, it
15 wasn't my rental boat that hit her pier. I went up
16 and asked the officer, I don't know anything about
17 it. I said I don't know anything about it.

18 MR. DWYER: I'd just like to say that's
19 one of the biggest ski areas on the South River and
20 if we close that down you're just going to cram up
21 the other little creeks that are left.

1 MR. PARLIN: I agree, I went there on
2 site visits and one of the times I went there there
3 was some kids in a 14-foot Boston Whaler and they
4 were knee boarding, you know. That just shows that
5 the water is being used actively by kids in the
6 area and like a lot of these other creeks we get,
7 we shut that down, we're pushing them out to
8 somewhere else and making it unsafe somewhere else.
9 So I think there's a lot of good water in there,
10 you know, and unfortunately, like we heard, a lot
11 of people are breaking the speed limit even on the
12 weekends so shutting it down during the weekday
13 isn't going to solve that problem, so I'm in
14 support.

15 MR. McLEAN: I just wanted to note for
16 the record the information that Bob Lunsford gave
17 us on the petition from the voice mail on the
18 website, 40 were in support of it and 73 were
19 against the petition.

20 MR. SIMON: 40 were what?

21 MR. McLEAN: In support of the petition

1 and 73 were against the petition.

2 MR. SIMON: The petition was --

3 MR. McLEAN: Seven days a week.

4 MR. BUSH: Any more discussion? Call
5 for the question. All in favor.

6 MR. DWYER: Of the motion.

7 (Show of hands.)

8 MR. BUSH: Okay. Those opposed? Okay.
9 Thank you.

10 We're going to go to Luce Creek next.
11 Luce Creek. Do I have a motion on it?

12 MR. MARPLE: Which one?

13 MR. BUSH: First one. Luce. L-U-C-E.

14 MR. DWYER: I make a motion that there
15 be no change on Luce Creek.

16 MS. CRAIG: Second.

17 MR. BUSH: We have a second. Any
18 questions?

19 MR. MARPLE: On Luce Creek I wanted to
20 ask Bob Lunsford how wide that channel was, and
21 also what that 800 feet for ballast boats is going

1 to do?

2 MR. LUNSFORD: Ballast boat doesn't
3 apply in this case. When I went into Luce Creek
4 and used the range finder, I went from the Navy
5 moorings, and there are several of them, I think
6 there's a half a dozen or so up the creek, and I
7 was getting readings of 225, 235, 212 from the
8 mooring buoy to the shoreline or to the nearest
9 pier. Shooting the other way sometimes I'd get a
10 little greater distance, a little less distance,
11 but the Navy did put the mooring pile pretty much
12 down the middle of the creek and in order to ski in
13 there you have to ski pretty much down a narrow
14 thoroughfare between the, whatever the shoreline
15 obstruction is, be it pier or shoreline, and those
16 Navy moorings in several places. The 800 feet,
17 we're not there yet.

18 MR. KLOOSTRA: Those moorings without a
19 boat on them, are they an obstruction, you have to
20 stay a hundred feet away from them?

21 MR. LUNSFORD: Uh-huh. And you wouldn't

1 want to hit one anyway.

2 MR. KLOOSTRA: I know.

3 MR. LUNSFORD: Yeah, you're supposed to
4 stay away from piers, pilings, stuff on the water.

5 MR. MARPLE: Why the 800 feet?

6 MR. LUNSFORD: We haven't done that yet.
7 We're not there yet.

8 MR. DWYER: That's Steve's.

9 MR. KLING: And that wouldn't be
10 relevant anyway because it's already controlled on
11 this creek.

12 MR. LUNSFORD: Right, because it's
13 already got a six-knot Saturdays, Sundays and
14 holidays. It's automatic.

15 MR. BUSH: Yes.

16 MS. ALLISON: By definition, and I'm a
17 little confused on this, is because of where the
18 mooring balls are and the narrowness of this creek,
19 and this applies to Clements also, isn't a skier or
20 wakeboarder in violation of being too close to
21 anything just by --

1 MR. LUNSFORD: No, they can't be closer
2 than a hundred feet and the measurements I was
3 getting were 212.

4 MS. ALLISON: From the mooring ball to
5 the shore?

6 MR. LUNSFORD: Or the pier, whatever the
7 nearest thing was. So you could, if you split the
8 distance down the middle, but again, I imagine most
9 skiers tend to disregard that because the mooring
10 pile is so small, or they could get on the other
11 side of it. If you kind of weaved in and out of
12 the things, you could have more room by going the
13 opposite side as you went down the creek.

14 MS. ALLISON: Technically they're legal
15 to be there?

16 MR. LUNSFORD: Yes, the skiing is a
17 legal activity technically during the week.

18 MR. DWYER: Just for clarification, it's
19 the boat, not the skier, that has to stay a hundred
20 feet, center line of the boat, so the boat could be
21 a hundred feet, if you have a 75-foot tow line, the

1 skier can be within 25 feet of that obstruction.

2 MR. KLOOSTRA: Really?

3 MR. LUNSFORD: Yes.

4 MR. DWYER: The boat, not the skier,
5 because when you barefoot ski you use a longer tow
6 line, you gotta use a hundred-foot tow line, not a
7 75-foot tow line.

8 MR. KLOOSTRA: So the hundred foot
9 applies to the boat, not to the person.

10 MR. DWYER: Correct, the boat line.

11 MR. BUSH: Thank you for that
12 information. Now, any more discussion? Any more
13 discussion? Call for the question.

14 MR. KLOOSTRA: Let's repeat the motion.

15 MR. DWYER: No change.

16 MR. LUNSFORD: No action.

17 MR. KLOOSTRA: Okay.

18 MR. BUSH: Okay. Those in favor of the
19 motion.

20 (Show of hands.)

21 MR. BUSH: Those opposed to the motion?

1 Okay. Now, we know there will be no change.

2 We're going next door to Clements Creek.

3 MR. DWYER: I make a motion we do no
4 change.

5 MR. KLOOSTRA: We're on a roll.

6 MS. CRAIG: I second it.

7 MR. BUSH: Call for the question.

8 MR. LUNSFORD: You have to have some
9 discussion.

10 MR. BUSH: Discussion. Yes, sir.

11 MR. DWYER: I guess the same reasons as
12 the other one, but it kind of brings back old
13 memories for some of us that sat on this board, I
14 wasn't even on the board then, but I testified a
15 lot at the Severn River Management Plan and we
16 tried to set -- what was tried, this board tried to
17 set up then was equal areas for equal things like
18 some these people were saying, that there are
19 plenty of creeks for kayaking and sailboating and a
20 lot of time and money and effort going into to do
21 the Severn River management and I think it's worked

1 pretty good up until now.

2 MS. ALLISON: I'd just like to point out
3 that on Clements Creek the officer's recommendation
4 was to change it to Saturday, Sundays, holidays to
5 six knots every day and the district supervisor and
6 that their supervisor concurred.

7 MR. BUSH: No, they did not concur.

8 MS. ALLISON: Recommendation -- oh, I'm
9 sorry.

10 MR. DWYER: Did not.

11 MR. JONES: Does anyone know why?

12 MS. CRAIG: Do you know anything about
13 that?

14 MR. LUNSFORD: I called Lieutenant
15 Vernon to just ask him for a comment on why he
16 didn't concur with his officer's recommendation.
17 He pointed out that there had been three
18 complaints, if you look it up at item number 11,
19 there had been three complaints called in to the
20 officer, he didn't think that warranted a change.
21 He also has a concern that if high speed activity

1 on that creek were closed down, waterskiing in
2 particular, tubing, that we simply would force that
3 activity out into areas that are already heavily
4 used and that it would create a less safe situation
5 for everybody involved, so that was his rationale
6 for not concurring.

7 MS. TROVATO: What were the complaints?
8 Did they get tickets for these complaints?

9 MR. LUNSFORD: I don't know, I didn't --

10 MR. KLING: Mr. Chairman, Bob and I did
11 the site visit here. Was Amy --

12 MS. CRAIG: Yeah.

13 MR. KLING: This is actually, relative,
14 compared to Luce Creek this is pretty wide, and I
15 don't think that skiing would be a big problem.
16 That's why I asked the one gentleman about the
17 wakeboarding problem. I mean this would be sort of
18 a prime area that the induced wakes would be
19 inappropriate and it seemed that was a lot of the
20 concern, not the entire concern, but a lot of the
21 concern of the some of the petitioners and

1 supporters, so we may be solving the main problem
2 in another way later on.

3 MR. BUSH: Yes, go ahead.

4 MS. TROVATO: I agree with Steve. I
5 live on the Severn, I bop around all the time, on
6 weekdays there is nobody out there. I mean I'm out
7 there almost by myself all the time. You might see
8 two other boats on the entire river, so, you know,
9 while you might need this on Saturdays, Sundays and
10 holidays, which is what it already is, I surely
11 don't see a need for it on weekdays.

12 MR. PARLIN: Mr. Chair?

13 MR. BUSH: Yes.

14 MR. PARLIN: I would like to back to
15 what Steve said also, that we keep hearing the same
16 thing over and over again about wakeboard boats
17 being a real problem, and I'm hoping, don't want to
18 put the cart before the horse, but I'm hoping that
19 we can solve that problem in another way and that
20 will help alleviate the problems in a number of
21 areas.

1 MR. JONES: I have a question, where do
2 people do barefoot skiing?

3 MR. DWYER: Where do they?

4 MR. JONES: Yeah.

5 MR. DWYER: Could I answer his question?

6 Dead calm water. You can't have any --

7 MS. CRAIG: Do you barefoot?

8 MR. DWYER: I used to, I did. I'll tell
9 you where to ski is the narrows, Severn River
10 narrows is the main place to ski, through the
11 narrows. And you're talking about --

12 MS. CRAIG: As long as it's straight and
13 you have the distance, because you go faster for
14 barefoot so you need longer distance.

15 MR. JONES: Where do you do it?

16 MS. CRAIG: Beards Creek is where I do
17 it. We're not discussing that now.

18 MR. LUNSFORD: We already did that.

19 MS. CRAIG: We already did that.

20 MR. JONES: Do you --

21 MS. CRAIG: It would be an acceptable

1 area, absolutely.

2 MR. BUSH: Let's not get too much in
3 between the two of you. Have you finished? Anyone
4 else have anything to add? Okay. Are we ready now
5 for, for a call? Call for -- the motion now?

6 MR. MARSH: Make no change.

7 MR. DWYER: No change.

8 MR. BUSH: All those in favor.

9 (Show of hands.)

10 MR. BUSH: Those opposed. Okay. No
11 change in the position of Clements Creek.

12 Now we go to Broadwater. Do we have a
13 motion on Broadwater?

14 MR. FERMAN: I make a motion there be no
15 change.

16 MR. LUNSFORD: You want to second it?

17 MR. DWYER: I'll second it.

18 MR. BUSH: Okay.

19 MR. KLOOSTRA: So if I understand this
20 correctly, the petition is for the entire
21 Broadwater Creek to have this speed limit in, and

1 there was some discussion from some of the folks
2 that up in the real shallow water it didn't make
3 any sense, but at the mouth it did seem to make
4 some sense that you might want to put a speed limit
5 in, or was it --

6 MR. LUNSFORD: That's Carr's Creek.

7 MR. FERMAN: The other way around.

8 MR. KLOOSTRA: You had to be up on plane
9 to get out.

10 MS. CRAIG: Yes.

11 MR. BUSH: Is that clear to everyone?

12 MS. DUTY: John?

13 MR. BUSH: Yes.

14 MS. DUTY: I think this is one that we
15 had talked about with some of the watermen needing
16 to be able to get out and be on plane, so I think
17 that we need to very strongly look at that. These
18 fellows make their living so they can't, you know,
19 not be able to get out to go to work just because
20 of the limit.

21 MR. BUSH: We're taking that into

1 consideration.

2 MS. DUTY: Right, yes.

3 MR. BUSH: You want to restate your --

4 MR. FERMAN: No change.

5 MR. KLOOSTRA: Made an amendment to the
6 motion.

7 MR. LUNSFORD: Why? No, we're fine.

8 MR. BUSH: Not necessarily.

9 MS. DUTY: There is no change.

10 MR. BUSH: Hold on.

11 MS. DUTY: Don't confuse me.

12 MR. BUSH: The motion was for no change,
13 you seconded the motion.

14 MR. DWYER: Yes.

15 MR. BUSH: We've had a little discussion
16 on that. And --

17 MR. DWYER: I just sympathize with some
18 of the people that live there and have lived there
19 a long while that use the creek for the kids and
20 recreation, that's why I seconded the motion.

21 MR. BUSH: Okay. Any more discussion?

1 Hearing none, can we call for the question? Okay,
2 all in favor. No change.

3 (Show of hands.)

4 MR. BUSH: Any of those opposed?

5 Now we go to Carr's Creek. Do we have a
6 motion for Carr's Creek?

7 MR. FERMAN: No change.

8 MR. DWYER: Second.

9 MR. BUSH: Yes, go ahead.

10 MS. DUTY: Once again we need to be
11 aware of the watermen being able to get in and out
12 and so we'd like to keep them being able to move
13 around without being stuck in the creek, so.

14 MR. BUSH: So your position is no
15 change.

16 MS. DUTY: No change.

17 MR. DWYER: I'd just like to say I agree
18 with that motion too, that it seems like it's a
19 creek that's only used by the residents and a lot
20 of the residents took the time to come here and say
21 that they want to keep it that way.

1 MR. SIMON: What was the motion?

2 MR. DWYER: No change.

3 MR. BUSH: Yes.

4 MR. SIMON: Who made the motion?

5 MR. BUSH: John did.

6 MS. TROVATO: I just want to point out
7 again on the totals that Bob put together that for
8 Carr's Creek 25 are not in support of the petition
9 and only one is in support of the petition.

10 MR. LUNSFORD: You had a petition
11 presented today.

12 MS. TROVATO: Other?

13 MR. LUNSFORD: Yeah, one.

14 MS. TROVATO: How many were on that?

15 MR. DWYER: 28, 23 --

16 MS. TROVATO: In favor of the petition?

17 MR. LUNSFORD: In favor of the
18 regulation.

19 MR. DWYER: For the regulation.

20 MR. BUSH: Do you have anything else to
21 add? Anyone else have anything else to add to

1 this? Hearing none, we will call the, in favor of
2 the proposal.

3 MR. KLOOSTRA: No change.

4 MR. BUSH: Motion of no change.

5 (Show of hands.)

6 MR. BUSH: Opposed? That's the end of
7 that. I think that was all.

8 (Discussion held off the record.)

9 MR. LUNSFORD: I just had a general
10 comment. When I read those erosion control reports
11 from our erosion control division, they're looking
12 specifically at shoreline erosion in a very narrow
13 zone along the shoreline and they're not
14 indicating, or not needing to indicate, and perhaps
15 I've been remiss not saying this before, that
16 there's not erosion taking place on those creeks at
17 sea level, it's simply they don't see the cause of
18 that being wakes generated by boats. Generally
19 what you find in southern Maryland, some of you
20 heard the speech, you get sandy topsoil, you have a
21 clay layer, the rainwater percolates down through

1 the sandy topsoil, hits that less permeable layer
2 and it tends to supersaturate the toe of the bluff
3 at sea level. That sloughs off and the waves and
4 wakes carry that away, making it look like they
5 were the cause, but very often they're not. And
6 that's why we have specific site visits, I try to
7 do site visits for each one.

8 MR. BUSH: Yes.

9 MR. DWYER: I'd like to thank you, I was
10 going to bring it up later, but for the newer
11 members on the board, we hear the erosion thing
12 every meeting and we asked a while back to have
13 specific engineers go out --

14 MR. LUNSFORD: Site visits, and they're
15 geologists.

16 MR. DWYER: -- to make sure that's not
17 wave-generated erosion.

18 MR. SIMON: Same thing, we've had
19 discussions many, many times here on that and it's
20 not the boaters that's doing the erosion as it was
21 the weather.

1 MR. LUNSFORD: That was all I had to --

2 MR. BUSH: We've finished with our
3 business for today. Does anyone have anything else
4 they'd like to add? Okay.

5 (Discussion held off the record.)

6 (Proceedings adjourned at 1:27 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.

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9 Kelly A. Taylor, Notary Public

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