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MARYLAND BOAT ACT ADVISORY COMMITTEE

SPRING MEETING

APRIL 30, 2019, 10:00 a.m.

ANNAPOLIS ELKS LODGE, ANNAPOLIS, MARYLAND

REPORTED BY: David Corbin, RPR

1 TRANSCRIPT OF PROCEEDINGS

2 AMY CRAIG: I would like to call the
3 meeting to order for the Boat Act Advisory
4 Committee. April 30th. My name is Amy Craig
5 and I'm the chair person of the Boat Act
6 Advisory committee. Sorry. Welcome to today's
7 meeting. Where we will hear about upcoming
8 regulatory requests for the following areas:
9 Little Gunpowder River, Days Cove; Harbor
10 Lights Condo, Little Annemessex, Crisfield;
11 Middle River Main Stem; Tred Avon River.
12 During the meeting we will only address the
13 regulatory requests I have listed and items on
14 the agenda. This meeting will be recorded by a
15 court reporter stenographer and available for
16 review on the DNR web site within three to four
17 weeks. Please turn off all cell phones and
18 communication devices or set them to vibrate.
19 The rest rooms are out the door to the left and
20 near the bar. Not making any suggestions. I
21 would like to take a moment to explain how the

1 Boat Act Advisory public meetings are
2 conducted. The designated Boat Act Advisory
3 Committee, or BAAC, members are a diverse
4 volunteer group of boating enthusiasts which
5 represent every region of the state, whether
6 you're working aboard a commercial fishing
7 vessel, charter boat or enjoying paddling,
8 personal watercraft, waterskiing, wind surfing,
9 swimming, sailing, fishing or just cruising,
10 the BAAC is knowledgeable and mindful of the
11 many safe uses of our state's waters. The BAAC
12 is also aware of the concerns and water access
13 benefits of the state's waterfront land owners,
14 whether they be a sole parcel or community or
15 commercially zoned. The BAAC takes their
16 duties seriously and with great respect for the
17 Chesapeake Bay and its tributaries and you the
18 citizens that come before us. The BAAC strives
19 to accommodate the concerns and needs of all
20 citizens that use the state waters. Mike,
21 would you like to start with the first

1 regulatory request.

2 MIKE GRANT: Do you want to do your
3 introductions first.

4 AMY CRAIG: Sorry. Let's hear from our
5 members.

6 MIKE GRANT: Please use the microphone.

7 RAMONA TROVATO: Good morning. My name is
8 Ramona Trovato. I'm a waterfront property
9 owner, a boater, and swimmer and crabber. I'm
10 very happy to be here and I look forward to a
11 productive meeting.

12 FRED LEVITAN: Fred Levitan. Past owner
13 of commercial CBYCA. Live in Timonium. Long
14 time boater, over 40 years.

15 STEVE KLING: I'm Steve Kling. I live in
16 the Annapolis area and have a sailboat, and use
17 it.

18 JON SHELLER: Good morning. I'm Jon
19 Sheller. A waterfront property owner in
20 Southern Maryland and have experience of
21 operating marinas on the Chesapeake Bay.

1 THORNELL JONES: Morning. I'm Thornell
2 Jones, member of the U.S. Coast Guard Auxiliary
3 and a sailor.

4 AMY CRAIG: Amy Craig from Upper Marlboro,
5 chair person, and overall boating user,
6 watercraft, anything, paddle board. If it's on
7 the water, I'll try it.

8 ROBIN ALLISON: Robin Allison. I live in
9 Galesville, Maryland on the water. And most of
10 the time I'm just trying to keep the boats
11 running.

12 COLES MARSH: I'm Coles Marsh. Waterskier
13 and powerboat, sailboat person.

14 RUSS DWYER: Russ Dwyer, own a waterfront
15 farm in Talbot County and a commercial
16 waterman.

17 JOE HELLNER: Hi. I'm Joe Hellner from
18 Millersville, Maryland in Anne Arundel County,
19 former Naval officer, lifetime boater with over
20 30 years on the Chesapeake Bay and its
21 tributaries. All types of vessels, power and

1 sail. Also past president of several local
2 yachting organizations.

3 JOHN PEPE: John Pepe, Oxford, Maryland.
4 Accredited marine surveyor through the Society
5 of Marine Surveyors, and I maintain a 200-ton
6 masters captain's license.

7 AMY CRAIG: Can our DNR staff introduce
8 themselves.

9 BHASKAR SUBRAMANIAN: My name is Bhaskar
10 with a program called Chesapeake Shoreline
11 Conservation.

12 JEANNINE MOANEY: Jeannine Moaney, Fishing
13 and Boating Services.

14 KARL ROSHER: Good morning, folks. I'm
15 Karl Roscher. I'm the director of the
16 aquaculture oyster division at DNR for Fishing
17 and Boating Services. Born and raised on the
18 South River. Lifelong boater. Coast Guard
19 licensed captain. And I own and operate a
20 charter boat out of Ocean City sometimes.

21 ANNE WILLIAMS: Anne Williams,

1 hydrographic operations.

2 LOUIS WRIGHT: Louis Wright, hydrographic
3 operations.

4 AMY CRAIG: Mike?

5 MIKE SIMONSON: I'm Mike Simonson, Boating
6 State Coordinator for DNR.

7 MIKE GRANT: Mike Grant, Boating liaison
8 for Boat Act Advisory Committee.

9 AMY CRAIG: Mike, do you want to start us
10 off with the 2019 regulation requests.

11 MIKE GRANT: You don't want to hear about
12 Maynadier.

13 AMY CRAIG: Yeah, of course we do. Sorry,
14 that was...

15 MIKE GRANT: Maynadier made it through
16 both the House and the Senate. It's currently
17 waiting for the Governor's signature. This is
18 in your packet so you don't have to read this,
19 but this is what Senator Reilly proposed for
20 the revision and fair and equitable change from
21 what is currently in place. This will remain

1 in effect for four years. The Department is to
2 report to the Governor and the General Assembly
3 the results of the study over the next four
4 years. And as of May 31st, 2023, if nothing is
5 done, this will sunset. Again, currently the
6 bill is waiting for the Governor's signature.
7 It's had two rounds of signings to date. There
8 is another round today. It is not on the list.
9 There are two more to come.

10 AMY CRAIG: Anybody have any questions or
11 comments.

12 JOE HELLNER: Mike, if the Governor does
13 not sign, does this still become law.

14 MIKE GRANT: The Governor has the option
15 to let it become law without any comment. And
16 he has the option to sign it and he has the
17 option to veto. If he vetoes it, there is a
18 possibility the Senate could turn around and
19 override his veto. Those are the three
20 options.

21 JOE HELLNER: Thank you.

1 AMY CRAIG: Any other questions or
2 comments. Okay. Moving on.

3 MIKE GRANT: Days Cove. The last time we
4 looked at this I believe was '13. Little
5 Gunpowder Falls and Days Cove, remove six knot
6 all time restriction and replace it with a 35
7 knot sun rise to sun set, and six knots sun set
8 to sun rise. This is the actual document that
9 the petitioners sent. The areas in yellow are
10 the only areas we're talking about. It's not
11 the entire area around the Joppa and the
12 quarry. Those places here, the very skinny
13 canal, will remain six up to the quarry. We're
14 just talking about this one down here, Days
15 Cove. And recently they have gained access to
16 this pond due to a storm. Here's the current
17 regulations. Six knots at the bridge and six
18 knots all the way up through here. Another
19 version of it. This is the lake area. It's
20 become accessible just where the yellow line
21 is. That's the only area, they want 35 day,

1 six knots at night. The red area is the
2 complete six knot, current six knot
3 restriction. Another version that came from
4 the petitioner, same idea. Here's the lake
5 over here. And another version. Better
6 picture of the lake and some depths in here.
7 As we all know, this is an area out here that
8 has been an issue, the fowls. And here's the
9 canal up to the Joppa and here's the canal up
10 to the quarry. Any questions. Steve.

11 STEVE KLING: My memory is that this was
12 not part of the request in '15; is that
13 correct. Do you know if that's right.

14 MIKE GRANT: What we did in '15 was
15 include -- we drew the line here based on the
16 recommendation of our local expert as the
17 easiest way to designate the whole area.

18 STEVE KLING: But the request that came in
19 '15 didn't include this Days Cove.

20 MIKE GRANT: It did not. It was just here
21 and over. Specifically this. And based on

1 testimony from NRP, they felt --

2 LOUIS WRIGHT: Mike, up to Gunpowder --

3 ANNE WILLIAMS: It was the pink line up to
4 Gunpowder. Not the Days Cove. That's what '15
5 did.

6 MIKE GRANT: Right. This area was added
7 by the committee.

8 ANNE WILLIAMS: Correct. The pink line
9 was added in '15.

10 MIKE GRANT: Correct. The whole area, go
11 back one.

12 THORNELL JONES: Can you summarize that
13 conversation, please.

14 MIKE GRANT: Go back one. Before the only
15 request was this area right here and this area
16 right here. This was not included and this was
17 not included. Go forward.

18 ANNE WILLIAMS: That one, Mike.

19 MIKE GRANT: This one.

20 ANNE WILLIAMS: The one with the big pink
21 line.

1 MIKE GRANT: Keep coming this way. Keep
2 coming. That one. Okay.

3 ANNE WILLIAMS: You see that pink line.

4 MIKE GRANT: This one.

5 ANNE WILLIAMS: That was added in '15.

6 MIKE GRANT: Yes. So was this.

7 ANNE WILLIAMS: Correct. But the
8 petitioner only requested the pink line.

9 MIKE GRANT: And here.

10 ANNE WILLIAMS: That was already six
11 knots.

12 MIKE GRANT: No, it wasn't. There was
13 nothing in there. Over here -- this to Joppa
14 has always been six, and a little spot in here.
15 The petitioner requested this up in here.

16 LOUIS WRIGHT: This part is not connected.

17 MIKE GRANT: Right. The new petition is
18 asking that this all stay the same and this
19 goes back to 35 day and six at night.

20 AMY CRAIG: Mike, back in '15 did we have
21 video from Louis going up that little narrow

1 way.

2 MIKE GRANT: Yes, going up here.

3 LOUIS WRIGHT: Up this one.

4 AMY CRAIG: And it's very narrow.

5 MIKE GRANT: Very narrow. But that's not
6 part of the request this year. It's only to
7 change this out, bring it...

8 RAMONA TROVATO: Only the pink box, not
9 the new area that's added.

10 MIKE GRANT: Say again.

11 RAMONA TROVATO: You said that that broke
12 through.

13 MIKE GRANT: This here is a breakthrough
14 somewhere here allowing them access to here.

15 RAMONA TROVATO: Is that part of the
16 request as well or not.

17 MIKE GRANT: Yes.

18 RAMONA TROVATO: So it should be a pink
19 box.

20 MIKE GRANT: Well, it wasn't accessible
21 last time so it wasn't considered. So actually

1 you're right, this should be pink as well.

2 ANNE WILLIAMS: Mike, if you look at the
3 regulation, the way we drew it, it is included.

4 MIKE GRANT: That's true. Go back.

5 ANNE WILLIAMS: If you go to the big pink
6 square.

7 MIKE GRANT: That's it. That's the whole
8 area. But see, it's just outside of it.

9 ANNE WILLIAMS: Go look at the one -- that
10 one. Isn't the lake in it.

11 MIKE GRANT: That's it, you're right.

12 ANNE WILLIAMS: The lake is in it in the
13 speed zone right now.

14 RAMONA TROVATO: Thank you.

15 MIKE GRANT: Any questions. Okay. Little
16 Annamessex River down in Crisfield. Requesting
17 six knots all times. This is the petitioner's
18 document. 131 signatures in favor and they all
19 live in the condominium complex. Next one.
20 Right here. This is the condominium complex
21 right in here with the dock sitting out here,

1 Somers Cove Marina, currently six. This is the
2 area in question. Mike. Here you go. With
3 the condos. Marina. Here's access to the
4 marina on the north side, like this whole area
5 in yellow. Actually from 11 to 11A, six knots.
6 He's concerned any vessels that are leaving
7 this area there have been some near misses
8 going out, going north through Daugherty Creek.
9 They run pretty hot up through here. So they
10 are just going to tack on this six knots and
11 run it up to here. Next. Another image.
12 Mike. And here's the charts. 11A and 11.
13 Piers are out here.

14 RAMONA TROVATO: Mike, does the marina in
15 front of the condos belong to the condos?

16 MIKE GRANT: Yes. Question. Joe?

17 JOE HELLNER: If I recall the petition
18 correctly, one of the issues they raised was
19 there were not -- there is a breakwater or some
20 kind where they would not allow to drive even
21 boards to stabilize them into the creek bed and

1 therefore boats have a direct impact on
2 loosening the boards every year. So that
3 struck me as yes, that's a real cause and
4 effect. Does the DNR have an explanation for
5 why they were not allowed to drive the boards
6 in. Would that be an option for them to
7 stabilize the bulkhead.

8 MIKE GRANT: Yes, but it's not DNR. It's
9 Maryland Department of the Environment. So
10 that is something they should address with
11 Department of the Environment. We don't have
12 any jurisdiction.

13 JOE HELLNER: Therefore my follow-up
14 question would be in terms of making our
15 determination, is there any information the DNR
16 could get to us about the option of stabilizing
17 those boards.

18 MIKE GRANT: You mean MDE?

19 JON SHELLER: Or have MDE give input.

20 MIKE GRANT: I'm sure. That's going to be
21 an added expense for them so they are looking

1 at a less expensive route. His contention,
2 yes, there is issues with the bulkheading here.
3 He also mentioned that the folks at Minnetonka
4 Seafood area here have issues with off loading
5 shell or whatever. And the people exiting --
6 go back, Mike. People exiting the marina right
7 here, if they are coming out, they could be
8 blindsided this way. Not so much coming south,
9 but if they're pulling out, people are shooting
10 up here quickly. This is the channel. People
11 can't run over here. This is where the issue
12 is. And of course this is your bulkheading
13 along here. And your boards along here. We're
14 yet to meet with them. I've spoken with them a
15 number of times. Mr. Tawes is his name.
16 Surprise. But there's a lot of support for it.
17 We tried to satisfy them with a caution buoy or
18 two, and he is beyond that at this point.

19 JOE HELLNER: Mike, if I could ask a third
20 question on this one. Do we have any
21 information -- the request is all the time.

1 MIKE GRANT: Yes.

2 JOE HELLNER: And I guess do we have
3 information or does DNR have information on how
4 busy this creek is.

5 MIKE GRANT: We'll have this after the
6 summer session. NRP is aware of the request
7 for the change and they will study it this
8 summer and give us the information at the fall
9 meeting.

10 JOE HELLNER: Thank you, Mike.

11 RAMONA TROVATO: Is there much boat
12 activity upriver from that location.

13 MIKE GRANT: Well, it's -- recently there
14 has been a ton of it because the crew boat
15 going out to Smith Island, they are doing a lot
16 of breakwater work out there trying to save the
17 island, so that's been an issue. They don't
18 slow down for nothing. As they come in, they
19 come in this way and they go over the top here.
20 Actually right up in here. They stage up in
21 this area here. Daugherty Creek, or channel,

1 is pretty shallow. So you don't have a lot of
2 boats going up in there. James Island pier is
3 up here somewhere. There is not a lot of
4 activity. It's real shallow draft.

5 RAMONA TROVATO: Thank you.

6 LOUIS WRIGHT: You get smaller boats going
7 up there, especially in windy weather, to get
8 from Crisfield up to the Annesessex. You can
9 get up there without going out in the channel.
10 Of course there is a ramp to park they come in
11 and out of.

12 MIKE GRANT: The ramp where they park,
13 yeah.

14 AMY CRAIG: Mr. Sheller.

15 JON SHELLER: Is this a commercial channel
16 that's maintained or have any connection with
17 the Corps of Engineers.

18 MIKE GRANT: I don't know. Louis.

19 LOUIS WRIGHT: I don't think it's a
20 federal channel. It's marked by the Coast
21 Guard. We have a couple of made further up

1 here that spurs off there, but it's really the
2 Coast Guard channel, the main part of it, and
3 the sides are closed. I don't think it's --
4 it's not a federal channel that I can remember.
5 I can look and see.

6 ANNE WILLIAMS: It's not a federal dredge
7 project yet. It's a federal channel. It's not
8 ours.

9 JOE HELLNER: It is a federal channel.

10 ANNE WILLIAMS: It's a federal channel
11 marked by the Coast Guard. It's not a state
12 channel. It's marked by them. But it's not on
13 their dredge project schedule.

14 RAMONA TROVATO: Is there a Coast Guard
15 station near here.

16 MIKE GRANT: Right there, Somers Cove.

17 RAMONA TROVATO: Have you heard anything
18 from them?

19 MIKE GRANT: No.

20 RAMONA TROVATO: Okay.

21 AMY CRAIG: Any other questions.

1 Mr. Kling.

2 STEVE KLING: Do you have this chart up
3 there. If we could put it up there. It's the
4 over -- aerial overhead.

5 MIKE GRANT: Yeah, I think so. Go back
6 Mike, please.

7 STEVE KLING: That one. Just I'm looking
8 at the little -- right down -- come down just a
9 little built lower. Right there. That little
10 triangle, as I look at this, that's excluded
11 from --

12 MIKE GRANT: No, no. I just didn't fill
13 it in completely. From the shoreline all the
14 way up to here.

15 STEVE KLING: Okay. Because we can't
16 expand -- if we do something we could not --
17 okay. That little triangle.

18 MIKE GRANT: Yeah, I should have put
19 another point in. Thanks for catching that,
20 Steve.

21 STEVE KLING: Speed in that little

1 triangle.

2 AMY CRAIG: Joe.

3 JOE HELLNER: Mike, are there any existing
4 restrictions in this waterway area now?

5 MIKE GRANT: No.

6 JOE HELLNER: Including the approach to
7 Somers Cove Marina.

8 MIKE GRANT: Six knots right here.

9 JOE HELLNER: I seem to recall there was
10 something there. Okay. Thank you.

11 MIKE GRANT: There it is, right here.
12 From the public dock, the mail dock they call
13 it, all the way into Somers Cove. Nothing
14 else.

15 AMY CRAIG: Russ.

16 RUSS DWYER: Mike, where are the
17 ferryboats docked to go to Tangier Island.

18 MIKE GRANT: There's one right here.
19 That's the one that runs to Tangier. And
20 farther in the marina is Captain Tyler's.
21 There's a school bus boat which in the

1 summertime acts as a tourist boat.

2 LOUIS WRIGHT: They're also tied up to the
3 pier there.

4 MIKE GRANT: And all the mail boats, all
5 inside six knots.

6 AMY CRAIG: Any other questions or
7 comments.

8 MIKE GRANT: Okay. Any other questions.
9 Coles.

10 COLES MARSH: Is there any comments from
11 the waterman.

12 MIKE GRANT: Not yet.

13 COLES MARSH: Not yet.

14 MIKE GRANT: Any notes.

15 ANNE WILLIAMS: It went out just this
16 week. It just started.

17 MIKE GRANT: We haven't heard from
18 anybody. It's advertised on the web site. As
19 soon as the notice buoy gets out, I'm sure
20 we'll hear.

21 JOHN PEPE: Mike, in distance, how far is

1 this that we're talking. It looks like it's
2 inside of a quarter of a mile.

3 MIKE GRANT: Yeah, max.

4 AMY CRAIG: Any other comments, questions.
5 Okay.

6 MIKE GRANT: Middle River, Main Stem.
7 Requesting six knot all time for twin screw
8 inboard vessels 36 and larger only. Next.
9 Current Middle River, six knot Saturday, Sunday
10 and holiday up in here. Galloway Cove. Six
11 knots all time over here. I can't remember the
12 name of it. But here's the beginning. There
13 you go. The green area is the current
14 regulation, there's 35 knots. Everything else
15 is six. This area is requesting six all time
16 for vessels 36 feet and larger, twin screw.
17 John.

18 JOHN PEPE: Mike, who gets to make the
19 determination on whether this is a twin screw
20 or single screw boat.

21 MIKE GRANT: I understand that --

1 JOHN PEPE: And how do you determine.

2 MIKE GRANT: I asked and I...

3 AMY CRAIG: Thornell.

4 THORNELL JONES: The question is have we
5 ever made a regulation about a certain kind of
6 powered vessel.

7 MIKE GRANT: I'm sorry, about a particular
8 size vessel.

9 THORNELL JONES: And power.

10 MIKE GRANT: And power. In Solomons on --
11 there is a small creek in Solomons, it's
12 restricted to 17 feet and a minimum number of
13 horsepower.

14 LOUIS WRIGHT: 17-foot, and there is an
15 exemption for the six knot.

16 MIKE GRANT: Right. There is an exemption
17 for the six knot.

18 STEVE KLING: You think that's Brooms
19 Island.

20 MIKE GRANT: No, it's within Solomons
21 Island. Mill Creek. It's probably in that

1 lovely package if you look.

2 ANNE WILLIAMS: That's the one that didn't
3 get copied.

4 MIKE GRANT: So this is the -- this would
5 be an interesting complex issue to say the
6 least.

7 AMY CRAIG: Joe.

8 JOE HELLNER: In the package you sent
9 earlier, I did not see the petition for this
10 line.

11 MIKE GRANT: One person.

12 JOE HELLNER: It's not a person.

13 MIKE GRANT: One person.

14 JOE HELLNER: It is a person. I'm
15 wondering what was there -- are there any facts
16 or what was the basis for the request.

17 MIKE GRANT: That smaller vessels are
18 being rocked -- non-motorized vessels are being
19 rocked, and basically those large boats become
20 abusive to everybody else.

21 JOE HELLNER: Okay. I understand. Thank

1 you.

2 AMY CRAIG: Steve first, then Ramona.

3 STEVE KLING: Can I just say guys, we're
4 asking questions that are for the fall. We're
5 trying to litigate the merits of these things
6 and not just understanding. We will have field
7 trips and a whole lot of data to come. We
8 ought to dial back a little bit.

9 AMY CRAIG: Ramona, do you have any
10 further comment.

11 RAMONA TROVATO: I did. They are talking
12 about small boats that are tied up or small
13 boats that are paddling around.

14 MIKE GRANT: In the river, actively in the
15 river.

16 RAMONA TROVATO: Okay. Thanks.

17 AMY CRAIG: Any other questions or
18 comments. Okay.

19 MIKE GRANT: Tred Avon River, Dixon Creek,
20 Eastern branch. Requesting six knots all time.
21 Eastern Point Marina. Tred Avon. Dixon Creek.

1 And here we are up in here. Twenty-six
2 signatures requesting six knots all times.
3 Next. This is the document from the
4 petitioner. These are all the land owners
5 requesting the change. Petitioner owns five
6 and six. A lot of this is rip-rap. This
7 person did not sign. This person, there is
8 nothing built there at this point. Don't know
9 about these folks out here. Evidently this
10 person up here is new. It doesn't show in the
11 overview. Next. Next. Evidently there is a
12 new house here. This is a person with a
13 cigarette type vessel that screams in and out
14 through here constantly. He was approached by
15 one of the residents and asked to be more
16 careful and he ignored him. These are the
17 approximate distances. At first I thought it
18 was going to be a wakeboard/jet ski issue, but
19 it's not. It's just one person. Wake boats
20 and jet ski would be severely limited in here.
21 You would have to be dead center most of the

1 time in the creek because that's a distance.
2 That's from pier to shore here and here. So
3 they want to proceed with this, six knot all
4 time.

5 AMY CRAIG: Any questions or comments.

6 Okay. I'm sorry Mr. Pepe.

7 JOHN PEPE: Mike, just to be clear on
8 this, we're being asked to decide or request a
9 regulation on this for one boat.

10 MIKE GRANT: That's correct.

11 JOHN PEPE: Because this is my back yard.
12 There is nothing up there but big farms and big
13 estates.

14 MIKE GRANT: That was my contention, but
15 this one boat, according to him, is raising
16 havoc. I said, well, consider the fact this is
17 going to be apply everybody up there. He said
18 that's what we want. I said so you don't want
19 to watch the kids or grand kids water ski any
20 more or tube. I hadn't considered that.

21 JOHN PEPE: We heard this before, haven't

1 we.

2 MIKE GRANT: Yes. He's going to talk to
3 the rest of the people on the creek and see if
4 they understood the ramifications of his
5 request.

6 JOHN PEPE: Thank you.

7 AMY CRAIG: Any other questions or
8 comments. Okay. COMAR corrections.

9 MIKE GRANT: In '07 the Boat Act agreed to
10 remove the six knot restriction non-boating
11 season in the Middle River from Galloway Point
12 up to the head of the creek. We were notified
13 this summer -- this spring by the people at
14 Fairwinds that this should have been in. And
15 we did the research and indeed it should be
16 there. So it will not change until the fall
17 because it will go in with any other changes we
18 make with Anne and Louis and Jean. But that's
19 going to change. I guess we will put a notice
20 buoy out there because that will freak some
21 people out, but it will be back.

1 ANNE WILLIAMS: Seeing it's a winter
2 change, we have to be real careful on the
3 notice buoy, because that way people don't
4 think that summer change is going to be
5 happening.

6 MIKE GRANT: When do you recommend putting
7 it out?

8 ANNE WILLIAMS: I don't know. But we'll
9 make sure we'll have clear wording.

10 JON SHELLER: Can you explain again, Mike.

11 MIKE GRANT: I'm sorry, what.

12 AMY CRAIG: Can you re-summarize the
13 Middle River.

14 MIKE GRANT: It was originally six knots
15 all time up there, except for weekends. And
16 the boats upriver, a couple marinas requested
17 you all in '07 to change that to make it only
18 boating season, and off season for their test
19 runs or whatever they were bringing boats down
20 the main stem, and it makes sense. And it was
21 agreed to and passed by the Secretary. Somehow

1 it fell through the cracks. So we're just
2 correcting a mistake.

3 RUSS DWYER: From 2007?

4 MIKE GRANT: Correct.

5 JOE HELLNER: Mike, I boat up that river a
6 lot, and my recollection is there's a Saturday,
7 Sunday holiday restriction upriver. I forget
8 where the line is, somewhere around Nordic
9 Creek. Again, I'm a little confused. I get
10 the change and the fact that in the off season
11 it's probably reasonable to have no
12 restriction, but -- and it's already been
13 passed and approved. But I'm still confused,
14 you said it was six knots all time.

15 MIKE GRANT: It's six knots all time
16 except -- no, it's --

17 ANNE WILLIAMS: Saturday, Sunday, holiday.

18 MIKE GRANT: Saturday, Sunday, holidays
19 all the time. Now they want that lifted for
20 off boating season.

21 JOE HELLNER: I understand. Thank you.

1 MIKE GRANT: Sorry.

2 AMY CRAIG: Legislative update.

3 MIKE GRANT: Our legislative liaison is tied
4 up, literally, tied up with bill signings
5 today, couldn't make it. I'm hoping maybe one
6 of our friends from fishing can maybe dabble in
7 some of that when it's his turn to speak, give
8 a brief overview of what happened and didn't
9 happen.

10 KARL ROSHER: On?

11 MIKE GRANT: Bass. You have a good handle
12 on it.

13 KARL ROSHER: Just a few. Some stuff
14 related to aquaculture.

15 MIKE GRANT: You want to address that now?

16 KARL ROSHER: I'll wait until my
17 presentation.

18 AMY CRAIG: Okay. Then I will guess we're
19 on to shoreline erosion.

20 MIKE GRANT: Bhaskar Subramanian.

21 BHASKAR SUBRAMANIAN: Thank you everybody

1 for having me here today. Can you hear me
2 good. Like I said, my name is Bhaskar, like
3 NASCAR. I am head of a division called
4 Shoreline Conservation Service. This is a
5 program that was actually created by the
6 legislature back in the early 70's actually.
7 The focus of this program is to provide
8 technical assistance and financial assistance
9 to waterfront property owners who research
10 erosion on their property. So this is a
11 picture at the South river farm up here in
12 Annapolis. I just want to give you a little,
13 you know, little outline, a little brief of
14 what I do. And Mike asked me to talk to the
15 committee today to see, you know, to basically
16 share how I do my job, what I do and that kind
17 of thing. So just a little primer. Erosion is
18 a natural phenomenon, it's happening all over
19 where a land/water connection is. And, you
20 know, it's a natural process. It's been
21 happening even before John Smith actually

1 toured the Chesapeake. But what happens is
2 when humans get in the way, that's where the
3 problem is. So, you know, you try to actually
4 stop this natural phenomenon, you try to
5 actually put one of those revetments, putting
6 rocks against the shoreline and you put
7 bulkheads. And, you know, over a period of
8 time, actually going back to how the shoreline
9 projects look like, these what are called
10 structural approaches, the revetment and
11 bulkheads are structural. We try to see what
12 is happening and how are they performing. And
13 in many cases you actually see, you know,
14 structural approaches are good, they have their
15 place, but the problem actually comes when you
16 over use a lot. And so I go back and I say,
17 hey, what is the problem actually. In Maryland
18 we have close to 7,000 miles of shoreline, and
19 we have 16 coastal counties, and erosion is
20 prevalent in all 16 of those counties. Once I
21 actually present this slide, people actually

1 build revetments on top of bulkheads and
2 bulkheads on top of revetments, and before we
3 know we get the Great Wall of China built on
4 the Chesapeake Bay. I always tell folks,
5 folks, slow down, I'm going to give you a
6 breakdown as to what erosion -- how prevalent
7 erosion is. And for anybody who has a
8 waterfront property, there are three parts to
9 that. One is accretion, which is the opposite
10 of erosion. Erosion itself. And then, you
11 know, no net loss, it comes and goes. And back
12 in 2006 Virginia Industry of Marine Sciences
13 boated the whole Chesapeake and pretty much
14 came up with what is the erosion rate on the
15 Chesapeake Bay in Maryland. And we found that
16 probably around 86 to 87 percent of our
17 shorelines are pretty good. That they are what
18 we consider slight erosion. 56 percent of them
19 are slight erosion. But I say slight erosion,
20 usually it's from zero to two feet per year
21 loss. Doesn't mean it's happening every year,

1 but it's an average over time. If your
2 shoreline suffers erosion, if it's less than
3 two feet per year, we consider that a slight
4 erosion. Just, again, slight, medium,
5 moderate, all of those things are -- it's
6 very -- people don't immediately gravitate
7 towards that. What we normally do is we have
8 pictures that go along with it. Pretty much
9 when you talk about, you know, less than two
10 feet per year, we're talking about this little
11 scar. Low erosion, two to four feet, is where
12 your peak layer is getting beat up, getting
13 exposed. And then you have your moderate and
14 high erosion. Now, so one of the first things
15 that I do, and I usually get calls from a lot
16 of property owners, but on average I do
17 probably two to three site visits a week.
18 We -- 85 percent of our property ownership is
19 in private, either private hands, communities,
20 individuals on the Chesapeake Bay. So we get a
21 lot of calls asking, hey, can you come and take

1 a look at it. Either they have a problem that
2 they are -- they have had a problem for a long
3 time, or they have actually moved in the
4 wintertime and then, you know, spring the
5 weather is beautiful, they get on the dock and
6 see a grain of sand moving away and they panic
7 and they call me. And we try to go back to
8 them and say, this is what's happening. And I
9 try to actually give a little bit of a historic
10 perspective. Now, the historic perspective is
11 we have really good information on DNR's web
12 site that actually goes back to where the
13 shoreline was probably in the 1800's. So that
14 actually gives a really good perspective, I
15 say, hey, you don't want to actually make any
16 changes on any position based on what's
17 happening today or last year. Or when
18 Hurricane Isabelle or Sandy happened, you don't
19 want to make those drastic decisions based on
20 major events. So it usually helps when
21 property owners look at information from a very

1 objective point. I'm not trying to sell them
2 anything. I'm not trying to sell them rock,
3 sand, anything. They want somebody
4 accountable. So they say, hey, Mike, I talked
5 to a contractor, they gave me an estimate of a
6 half million dollars. As a matter of fact a
7 couple weeks ago I was at a site visit in
8 Dorchester County where the property owner
9 says, hey, I am planning to retire -- actually
10 I was talking to the wife and she was saying I
11 want my husband to retire but if I end up
12 spending \$230,000, he's going to actually work
13 another 20 years to get that money back. So
14 she said what do you think I should be doing
15 here. So I tried to actually tell the folks
16 that, hey -- I try to give a little perspective
17 as to what is happening. Even before any of
18 those things, one of the first questions I ask
19 is what are your goals, what are you trying to
20 accomplish on your shoreline. Because if I
21 come there and say, hey, you got to do this,

1 this, this, I tell them, I give the perception
2 clear right off the bat, don't trust me, I'm no
3 better than your regular contractor. So I try
4 to tell them, what is it you want to do. There
5 are folks who are a newly married couple with
6 kids, they are moving to their first waterfront
7 property, they have a lot of time. In that
8 case there is things that they want to do, have
9 access to the beach, they want to create a
10 beach, they want to have a nice little dock.
11 And then you have people who are retired and I
12 start talking long term, they are like, hey, I
13 might not be here when you go back to the car,
14 I might not be alive. So don't talk to me
15 about long term, talk to me about this is what
16 I want. So you have all kinds of folks. And,
17 again, there are so many different, you know,
18 backgrounds they come from. So one of the
19 first things I ask, what is it you want to do.
20 And the way I look at my job, whatever your
21 goal is, I want to actually help you get there

1 in the best possible way. And I also tell them
2 right off the bat that I don't like to spend
3 money. Their money, my money. I tell them
4 check with my wife, she will tell you, I don't
5 like to spend money at all. So that usually
6 gives a click as to, hey, we're not going
7 there. Yeah, I tell them you got to wait for
8 the coffee, after the caffeine kicks in I'll
9 get you. So one of the things that we try to
10 do is what is the issue, what is -- what is it
11 that they want to get out of the shoreline.
12 And I'm sorry, I have a very long conversation.
13 You can tell I'm not shy talking at all. So I
14 try to go to see what their goals are. And
15 once I figure that out, I try to actually tell
16 them a suite of options. The property owner
17 said they got a number of \$230,000. When I
18 came out of the -- after the site visit, I
19 think the solution was \$250 instead of
20 \$230,000. Because one -- whatever they
21 assumed, I said, hey, this is great. This is

1 great that you're building the Great Wall of
2 China in Dorchester County but that's not what
3 you need, that's not what you want to do,
4 right. And so I was telling them the things
5 that they can do that can actually help them
6 get to where they want to go. One of the first
7 things I ask -- I listen, which is a very
8 foreign concept to me, I talk more. So one of
9 the first -- like I said, I try to go to the
10 site and I try to make sure that anybody who
11 calls me, I try to set up a site visit in the
12 next two weeks. The reason I'm saying two
13 weeks, if it's high tide this week, low tide is
14 the next week. So it's a lot easier for me to
15 see the bank profile at low tide. I can see
16 what the bank is actually telling me. So I do
17 that. And then I go to that site visit. I
18 also sit across the table with them. I can
19 have the best GIS based software, whatever,
20 right. More than that, if I sit across
21 somebody in their kitchen table and actually

1 look at all the pictures available back 50, 60
2 years ago, those pictures are amazing. One,
3 it's a fashion statement that was totally
4 different from back then. You should check
5 that. So I try to look at those pictures.
6 They actually reveal a lot of cool stuff. And
7 that helps me figure out how that shoreline was
8 and how I can actually help to get them
9 wherever they want to go to. And I also use
10 technology. I try to figure out what is -- I
11 use stuff like Google Earth. I try to go there
12 and see -- I want the best of what is at the
13 site, what are the conditions, what is the
14 fetch on the site. There are ways, you know,
15 we could actually -- the next software, the
16 next program that I have called Maryland
17 Coastal Atlas is a really good web site that we
18 have at Chesapeake Coastal Service and DNR
19 where it gives a lot of information. I could
20 check on the imagery, I could also check out to
21 see the drifters, how the sand movement is.

1 Many of those things I can actually do it, you
2 know, on the desktop, on the computer. But
3 then I don't usually trust anything that I see
4 on the Internet. We're fashioned that way. I
5 try to actually go to the site, I try to make
6 sure -- the people always call and say, hey,
7 can you show me how to fix this. I ask them do
8 you ask your doctor how to actually solve your
9 medical issues over the phone without seeing
10 the doctor. You don't want to do that. So
11 that's the same thing with shoreline erosion.
12 When you go to a shoreline and stand on the
13 shoreline and look at it, you get a lot of
14 different information. That, you know, I have
15 no problem with technology, but there's still a
16 lot of important information you get out of the
17 site and going on the site. Then we have other
18 programs also called Merlin. If you go to the
19 next, Mike, next slide. So one of the first
20 things, like I said, I look at what is the
21 site, how is the fetch, where is the biggest

1 fetch coming from, northwest, southwest. Those
2 are the biggest damaging wind directions we get
3 in the Chesapeake Bay. And then I also look at
4 a Nor'easter, northeast, how far it is.
5 Because in any year you have everything going
6 good but your Nor'easter, we have gone to sites
7 where the northeast exposure has killed the
8 shoreline. So I try to orient myself to what
9 is out there. And then I also go to the --
10 next one. Also, like I said, what the coastal
11 activities is telling you about. I can go back
12 to 1800's, in some cases. In some cases it
13 will probably be 50 years ago. So I can pretty
14 much figure out, so this is usually the
15 baseline. And this actually tells you this was
16 the 1841 to 1861 shoreline. These are stuff
17 that you get from the NOAA T-sheets. And this
18 was actually digitized and put in GIS. If you
19 want me to explain to you all the GIS I can
20 totally make something up right now. But I
21 like -- I like to say that. Anyway, so all

1 these lines, and then the transit basically
2 tells you what the -- what -- how much has the
3 shoreline changed with reference to a baseline.
4 And usually if there is a positive number, it
5 basically means accretion. If it's a negative
6 number it means erosion has happened. So I
7 take that information, I look at the site, I
8 try to figure out how there could be some
9 balance to whatever I've been doing. So I
10 would actually help people with what the issues
11 are. Next slide. This is a property that came
12 up pretty much some time back. I'm sure you're
13 all aware of the situation. So what I tried to
14 do is I tried to look at what the historical
15 images show me. And then I go back, go to the
16 site. I was the only one that didn't have any
17 Mike that day. I have two Mikes that go with
18 me. Next slide. This is a site that we
19 actually looked at. And I was telling them how
20 based on what I learned from the desktop work
21 and then I also looked at what is out there,

1 and a couple examples, you know, really, this
2 has a really good stand of low marsh with a
3 high marsh missing here. And then I tie it up
4 with what seems to be the positive of the back
5 side. And all of that tells me is there's a
6 lot of -- there is a lot of flow coming from
7 the upland rather than wind coming from the
8 water side. Basic common sense. This was
9 actually erosion coming from here, this coming
10 from here, this would actual be missing. In
11 this case your high marsh is basically missing
12 and it tells me this is quite possibly, you
13 know, stuff coming from the outcropping that's
14 also water -- ground water that starts coming
15 from the vertical bank that was here and also
16 the topography -- topography of the site. All
17 of those things. Then we went up and down the
18 shoreline. And when the land was really flat,
19 the marsh behaved differently. So all of those
20 things from seeing it. So this is basically
21 what I do. I try to work with the property

1 owners on this and try to figure it out. And
2 we try to, you know -- and like I said, we've
3 been doing this for some time so we have quite
4 a bit of cost estimates. One of the first
5 questions that's asked, how much do you think
6 this is going to cost. And we have average
7 costs for running linear feet. So the
8 information I provide them. And, again, we
9 also are actively doing projects, putting
10 projects in the ground. So it actually tells
11 us, you know, all the rates have changed quite
12 a bit, there's always ups and down. Sand was
13 at some point, you know, 60 to \$90 a cubic
14 yard, and now it's like 120. Again, it changes
15 back and forth. So all of that information, it
16 impacts. And we take that and offer the
17 waterfront property the information they are
18 looking for. And then in some cases what I try
19 to do is I try to tell them what I think works
20 in terms of concept planning. I try to give
21 them a concept plan as to what basic skills I

1 have. And there are many, many sites, many
2 projects I've done myself, where we can give
3 them a concept plan to say this is what I think
4 would actually help you to get you where you
5 want to be. We usually tell them, hey -- they
6 come back and tell me, hey, the project was an
7 amazing success. I take that. If they say,
8 hey, whatever you said did not work, then I
9 say, hey, you didn't hear me right. My accent
10 got in the way, I did not say that. Kidding.
11 So anyway, we try to actually -- and many
12 times, you know, they always come back and say,
13 hey, I have a plan from a contractor, can you
14 take a look at it and tell me what you think
15 about it. So one of the first things I do is
16 it puts me in a difficult situation when I'm
17 actually critiquing someone's work. Trust me,
18 I love doing that. Anyway, what I try to do in
19 that situation, I tell them, hey, let me tell
20 you what I think would actually work here based
21 on all the inputs I've gotten, and then you

1 tell me whether you have a set of plans. I
2 don't want to be bias to the plan in any way.
3 So let me give you all the information blind so
4 that way it's lot more objective. I leave it
5 to you. Take a look at it and see what you
6 think is right. And then shop around, like
7 anything else, and talk to them and see if they
8 can actually strike a good bargain. And folks
9 will call me and say, hey, I'm planning to buy
10 this waterfront property, I want to know what
11 kind -- what I'm walking into. And so when it
12 is not their property and I don't have the
13 property owner's permission, I try to actually
14 get the permission to get on the property. I
15 take a look at it. I can not influence a sale
16 one way or other. I give them objective
17 information as to what I observed and share it
18 with them. When I share it with them, I share
19 it with the prospective seller and buyer also,
20 so it's all out in the open. So then whoever
21 has a question, they can actually look at it

1 and see that I'm not biased. I basically look
2 at it and say, hey, this is what might be
3 needed. And then we also, you know, I work as
4 a liaison with the Maryland Department of the
5 Environment. Many times -- I also work as a
6 liaison between our federal partners, state
7 partners, non-Government institutions and all
8 those. Because like I said, we've been doing
9 this some time and it's a small group of us
10 from DNR that actually do this. And like I
11 said, we have had some amazing successes and
12 some colossal failures, and I have no shame
13 talking about either. So it works perfect for
14 everybody. Like I said, I work as a liaison
15 and many times -- yesterday I was on a site
16 visit where a MDE reviewer said hey, I have
17 this problem, I have this situation. The
18 property owner does not want to do a living
19 shoreline, this is a place where a living
20 shoreline would work. And I try to go to them
21 and tell them what I think would actually work.

1 And by the end of it we did not have a living
2 shoreline. That's because the site did not
3 require a living shoreline. The stuff was
4 coming from the upland. So a combination of
5 berms and swails pretty much solved the problem
6 that they had. So that's basically what I do.
7 Any questions.

8 AMY CRAIG: Joe.

9 JOE HELLNER: What's your contact
10 information. Sounds like you're a good guy to
11 know. I know there's a lot of friends and
12 neighbors I have that would be interested.

13 BHASKAR SUBRAMANIAN: I'm a simple man.
14 This is my contact information. My cell phone
15 number. This is my work telephone number, so I
16 pick up all the phone calls except from my
17 wife.

18 AMY CRAIG: Mr. Sheller.

19 JON SHELLER: One of the earlier slides,
20 did that indicate 6,000 miles -- 6,000 miles of
21 shoreline.

1 BHASKAR SUBRAMANIAN: Again, depends on
2 who I actually talk to. If I talk to MES they
3 are going to tell me 7,000 miles. If we talk
4 to NOAA they are going to say 4500. So they
5 are still measuring that.

6 JON SHELLER: Moving around. And that's
7 just the State of Maryland, correct.

8 BHASKAR SUBRAMANIAN: That's just the
9 State of Maryland. And that's not even the
10 Atlantic Coast. I'm talking mainly the
11 Chesapeake Bay.

12 AMY CRAIG: Mr. Pepe.

13 JOHN PEPE: Bhaskar, I live over in
14 Oxford. We have got an interesting situation.
15 You glossed over accretion. And I know the
16 term has been around forever, but we're
17 starting to hear more and more now, which is
18 unusual because of shoreline erosion and rising
19 sea level and all that. We have actually got
20 two cases of litigation in our town where
21 people are claiming increased property with

1 lateral line extensions that is encroaching on
2 their neighbors property. They are claiming
3 they own their neighbors property. Could you
4 expound on the State of Maryland --

5 BHASKAR SUBRAMANIAN: No.

6 JOHN PEPE: -- legal -- what is your take
7 on that?

8 BHASKAR SUBRAMANIAN: Oh, I have no take.
9 No position at all. I hold my breath for 126
10 years.

11 JOHN PEPE: What is the State's position
12 on where you own your property to as far as
13 water rights.

14 BHASKAR SUBRAMANIAN: Maryland is a high
15 water state, so anything below main high water
16 is State property. Above that is private
17 property.

18 AMY CRAIG: Mr. Kling.

19 STEVE KLING: John, I would tell you the
20 State -- any position the State has is not
21 particularly relevant. The rules about the

1 property, it's all basically judgment law over
2 time. There is not -- it's not defined by
3 statute in any meaningful way. So where do
4 you -- there are cove rules and there are point
5 rules, all kinds of rules that have been
6 developed since nearly 1800's by courts.

7 JOHN PEPE: I know. And I appreciate this
8 and I do understand that. I guess what I was
9 getting at was people that buy property that
10 have owned it for 50 years, they have neighbors
11 that come in and buy a piece of property and
12 they are claiming accretion rights going back
13 to 1860. And they're actually taking these
14 cases to court. And I was just wondering what
15 the legal status was or if it's just case by
16 case.

17 STEVE KLING: It's case by case except
18 there is a lot of precedent that defines the
19 case. I was involved 30 years ago in a
20 situation in Havre De Grace where a neighbor
21 was claiming he had a point and trying to draw

1 lines and basically extinguish his neighbors
2 riparian rights. And his point, quote,
3 unquote, wasn't on a pier, as lots of
4 municipalities, they bulkhead out and then fill
5 in and create a structure for hardwood. And he
6 was claiming since this existence is 18
7 something or other it was his point. He was
8 not successful but it was really disruptive for
9 them, his neighbor in the, quote, cove.

10 JOHN PEPE: Good information. Thank you.

11 AMY CRAIG: Any other. Robin.

12 ROBIN ALLISON: Does the State of Maryland
13 have anything in effect that if you see a
14 property, and I don't even know who owns them,
15 but there is a number of islands down the
16 Rhodes River and one used to be a high island
17 and it's now a sand bar. If you see the
18 property going away, is there anybody to call.
19 You maybe.

20 BHASKAR SUBRAMANIAN: So you can
21 definitely call me. I'm usually the first

1 point of contact for folks who have erosion
2 issues that has seen land disappear. Many
3 times while I have done this, it depends. I've
4 actually gone to them and say, you know what,
5 erosion is not a bad thing at all. It's a
6 natural phenomenon. And if it's your property
7 that you're losing and then you want to do
8 something about it, that's your right to do
9 something about and it's possible for me to
10 help you with that. Like I said, provided you
11 at least are living there. There are
12 dissipating islands, and this is something
13 that's happening all over the Chesapeake Bay
14 and coastal bays. We have lost many, many
15 islands. And we would like to actually look at
16 it and, you know, make a determination case by
17 case.

18 AMY CRAIG: Mr. Kling.

19 STEVE KLING: Do you -- you've spoken how
20 you deal with issues of erosion. Do you have
21 any expertise involvement in the cause of

1 erosion. You described that one thing of
2 upland as opposed to wave driven erosion. Our
3 concern, and this is great, we've been educated
4 a bunch of times over the years by your
5 predecessors. We get people claiming boat wake
6 is destroying western civilization. Do you
7 have anything you can share with us and the
8 impact --

9 BHASKAR SUBRAMANIAN: There is study that
10 DNR did many years ago on the South River. And
11 that is something that's been used as a
12 precedent. And what I try to do is whether
13 Mike actually calls me up and says can you
14 actually take a look at it, I know the study,
15 I've read that study many, many times, but I
16 still have to go to a site and try to make a
17 determination as to what I think has happened.
18 And there is a project, I forget it, was it on
19 the South River, that we visited recently. I
20 mean that site had many, many different things.
21 It's -- boating is an aspect. There is

1 definitely a boating aspect to it. But there
2 are historical -- historically that site has
3 had erosion going back. When I look at
4 erosion, I look at fetch, wind driven. Look at
5 possible boat wake. We look at what are the
6 structures out there. Outcroppings, the ground
7 water that could possibly cause it. And there
8 are so many different things we try to look at.

9 STEVE KLING: But I think what you just
10 said from your perspective that South River
11 study is still valid information.

12 BHASKAR SUBRAMANIAN: Yeah, definitely.

13 AMY CRAIG: Anybody else. Okay. I would
14 like to thank you.

15 BHASKAR SUBRAMANIAN: Thank you so much.

16 AMY CRAIG: For all this information. We
17 greatly appreciate it. Next up. Aquaculture
18 and Boating.

19 MIKE GRANT: This is Karl Rosher for
20 aquaculture and boating.

21 KARL ROSHER: Hi, everyone. Thank you,

1 Mike. I certainly appreciate the invitation.
2 I'm embarrassed to say that 29 years of state
3 services, this the first Boat Act Advisory
4 Committee meeting I've been to. So really
5 enjoyed the discussion so far. So glad to be
6 here. Mike had told me that you had some
7 discussion about shellfish aquaculture at your
8 last meeting and needed a briefing or a
9 discussion about what we do at DNR related to
10 shellfish aquaculture applications, reviewing
11 those applications and approving projects, and
12 then actually issuing leases. How we go
13 through our screening process. How we go
14 through our screening process and finally
15 approvals and what impacts it may have on
16 riparian properties and boating. So I've
17 prepared kind of a general overview of what we
18 do related to shellfish aquaculture leasing and
19 we'll go through a few slides and at the end
20 take any questions you might have. So I don't
21 know if anybody is familiar, has anybody on the

1 committee been to a shellfish lease that's in
2 existence. One. So we, in the State of
3 Maryland, we issue two types of leases,
4 submerged land leases, and that covers
5 traditional leasing activities where an
6 individual plans to plant shell directly on
7 bottom and then put spat on shell oyster seed
8 over top that shell. So no containers,
9 traditional aquaculture methods. This is what
10 is most similar to a natural oyster bar. Then
11 we also, more recent type of shellfish
12 aquaculture, is containerizing the product.
13 And we issue water column leases for projects
14 where they intend on containerizing their
15 shellfish either in cages that rest on the
16 bottom or floats on the surface. So two
17 different types. As I said, traditionally the
18 harvest methods were submerged land leases or
19 bottom dredges, patton tongues. I think we may
20 have one person that dives, but that's not too
21 common. We actually still have some

1 individuals that hand tongue under leases in
2 kind of the areas of leases that are upstream.
3 And then water column aquaculture really
4 focuses on using hydraulic winches to access to
5 the cages with the gear on the surface, or if
6 it's shallow water, actually wade in the water
7 and turn the oysters up and pull the oyster
8 bags out of them. So just a couple of pictures
9 for you. Submerged land leases, as I said,
10 harvested with bottom dredge. Upper right is a
11 picture of a submerged land lease. That's what
12 the oysters look like on the bottom. As I
13 said, traditional oyster bar appearance. And
14 patton tongue rig which is still in use on some
15 of the leases. Water column leases, aerial
16 shot of some cages on bottom on the left side.
17 Winches working to pull a cage up on a work
18 boat. Similar to the types of work boats that
19 are used in the public fishery and other
20 leases. And then finally, as I said, some
21 folks will actually wade in the water and work

1 their leases, the water column leases from
2 standing on bottom. Next. So we have
3 authority in our Natural Resources article for
4 issuing shellfish leases. So it's actually in
5 law. In COMAR, Code of Maryland Regulations,
6 there is a whole section on shellfish
7 aquaculture leasing and that provides us not
8 only with the authority but the guidelines that
9 we use when we're accepting and reviewing
10 applications and issuing leases. Next. So
11 there is a few things that are specific in the
12 law that pertain to siting of leases. Some
13 setback requirements. Leases can't be within
14 50 feet of the shoreline without the permission
15 of the riparian land owner. Can't be within
16 150 feet of a federal navigational channel.
17 And then there's setbacks in regulation and law
18 related to public shellfish fishery areas.
19 Those are areas reserved for the public
20 fishery, the private lease, can't be within 150
21 feet of that. Oyster reserve and sanctuaries,

1 the set back, we have a responsibility for
2 protecting those oysters so we don't want
3 leases to be too close to them. And finally
4 we're not permitted to issue a lease in a SAV
5 protection zone or where SAV is actively
6 growing. We have a clause in the law that
7 allows us to not deny an application based on
8 an adverse impact to public health, safety and
9 welfare, and we have exercised that authority
10 in the past to deny a lease. There is a
11 statement of law that says that if the
12 application meets the requirements established
13 then the department would move to issue that
14 lease after going through a process. And
15 finally, there has been some discussion about
16 whether you can or can't fish or crab on a
17 lease or operate a vessel across that lease.
18 You absolutely can. Our regulations are
19 specific to allow fishing and crabbing
20 activities on top of a lease where possible.
21 You just can't disturb the oysters or gear that

1 are on the lease and/or put there by the
2 leaseholder. So we have a -- quite a lengthy,
3 timely and lengthy, lease application process.
4 It's a joint process, we operate with the U.S.
5 Army Corp of Engineers when we're accepting and
6 reviewing applications. We -- one of the main
7 parts of our review is a consultation or
8 preplanning with prospective applicants before
9 they actually file that application. My staff
10 is engaged with applicants well before the
11 period where they actually identify a site they
12 want to pursue and submit an application, which
13 has been very successful in making sure that
14 once applications are filed they have the best
15 opportunity to succeed and we can forward with
16 issuing the lease. So joint process. We also
17 have a public notice -- a requirement for
18 public notice as part of our process, and then
19 comes towards the end once we go through our
20 review, determine that the lease can be issued,
21 then we put it out for public notice to get

1 information from local land owners and members
2 of the public on whether there could be any
3 impacts associated with that project. We issue
4 a lease agreement, it's contract between the
5 leaseholder and the State, and the Corps issues
6 a Department of Army permit, generally a
7 nationwide 48 or it could be an individual
8 permit. And our process takes anywhere from
9 six months to a year to complete if there are
10 no protests. If there are protests against the
11 issuance of the lease, that drags the process
12 out considerably.

13 RAMONA TROVATO: Can I ask a question.
14 What is your public notice process.

15 KARL ROSHER: I'll come to that. So when
16 we're going through our preplanning and
17 one-on-one meetings with applicants, we try to
18 instill upon them some of the areas they might
19 want to avoid targeting. Anywhere where you
20 have impact to land owner egress or ingress,
21 especially if you're planning on operating a

1 water column lease, put cages out there, you
2 have to either reduce the vertical clearance
3 out from the property. We have to be cognizant
4 of that and make that paramount when we are
5 evaluating these. Public fishery issues, I
6 talked about that. Submerged aquatic
7 vegetation, like I said, we can't issue a lease
8 in SAV and you can't operate if SAV grows into
9 your lease. Registered pound net sites.
10 That's common sense, not going to be able to
11 lease in an area where somebody has that area
12 reserved to operate or work a pound net. Then
13 restricted or prohibited water quality
14 classifications. There are requirements on
15 whether we can or can't issue lease based on
16 pollution sources in the area and the water
17 quality classification that MDE establishes in
18 those areas. Other existing leases.
19 Navigational channels and aids to navigation.
20 Can't be within 150 feet of federal channel.
21 And we are working with the Corps and we've

1 established a 250 setback around nav aids to
2 make sure that if a vessel has to come out,
3 whether it's Coast Guard or State vessel and
4 work on that aid that they have enough
5 clearance where or not they are going to be
6 over the top of the lease or disturbing the
7 lease or the leaseholder and hindering the
8 ability to work on that aid. Then there is a
9 number of other commercial fishing conflicts
10 that we look at. Things like nets where there
11 is a striped bass fishery, trot line. We look
12 a lot of those things. Clamming, where folks
13 are in a designated clamming area. We're
14 trying to reduce those conflicts too. In order
15 to help applicants before they get to my office
16 to kind of look in the area where they may be
17 targeting and identify potential impacts or
18 potential -- the existence of other uses that
19 may prohibit them from obtaining a lease there,
20 we established an online interactive tool for
21 folks to access and that's the aquaculture

1 siting tool. That was implemented in 2012 and
2 it's been a very, very beneficial tool or
3 mechanism for individuals that are interested
4 in obtaining a shellfish lease. Going on this
5 tool, looking at what the other uses are in the
6 area to determine whether a site could or could
7 not be leased. And this is -- this photo is
8 just to illustrate how complex at times things
9 can be in certain areas. This is on St.
10 Katherine's Sound, and as you can see from the
11 difficult polygons on the map, there is a lot
12 of other activities and different prohibitions
13 occurring down there that need to be taken into
14 consideration when you're looking at leasing an
15 area. This is the PRFC jurisdictional lines.
16 These are polluted restricted areas. The blue
17 polygons are other existing leases. The purple
18 are restoration areas that have been planted
19 that need to be avoided. The gray ovals are
20 pound net sets. At any rate just to illustrate
21 the tools have been very effective for

1 individuals. If they want to target, try and
2 get a lease down in St. Katherine Sound, this
3 is really helpful. They can look at that and
4 determine whether there is something existing
5 that would prohibit them from obtaining a
6 lease. Just a quick picture of the
7 application. It's about a 12 page application.
8 As I said, we work with the Army Corps. The
9 same application is good for the Department of
10 Natural Resources and the Corps of Engineers.
11 The State charges a \$300 application fee for
12 projects. You can be an individual or a
13 business and apply. There are no restrictions
14 on issuing leases to businesses. And we
15 process these on a first come, first serve
16 basis. So our process, as I said, is a little
17 bit lengthy but we're quite proud in the
18 process, recognizing that we're issuing a lease
19 to a business in the public resource to operate
20 that business so we need to make sure that it's
21 legal and appropriate to do so. So as you

1 would imagine, our first step in the review is
2 to make sure the application is complete, we
3 have all the information we need to send it
4 through our review and also at the Corps there
5 is enough information for them to review it.
6 We look at all basic info in the maps that have
7 been submitted. We post those out. Samples of
8 the maps that those folks can use on their
9 applications are on our web site. So if you're
10 an applicant you don't actually have to hire a
11 consultant to help you with the application.
12 My office will actually help individuals with
13 that. We submit -- once an application is
14 received, we send it out to the Aquaculture
15 Review Board, which is a board within the State
16 of Maryland made up of agencies and
17 organizations that have a responsibility and
18 aquaculture oversight, both on the federal
19 level and state level. So we provide all the
20 applications and a summary of what the
21 application intends to do to members of the

1 board and we field comments back from the board
2 early in the process to determine if there are
3 any red flags associated with issuing that
4 lease in that area. And then we conduct a
5 legal and resource review within the department
6 and sometimes outside the department. And that
7 includes looking at commercial fisheries impact
8 with some of our experts that are boating and
9 fishing and crabbing experts. Then we work
10 with Louis and Anne extensively to look at
11 boating and navigational impacts associated
12 with these applications: SAV, submerged
13 aquatic vegetation, pound nets, restoration
14 areas, some of the things that I talked about
15 previously we look at those things. And then
16 we also take a more in indepth look at other
17 possible conflicts associated with like
18 sensitive species areas, protected lands,
19 marinas, how close are these projects to
20 marinas, are there ingress and egress impacts,
21 are there impacts associated with potential

1 pollution sources coming out of the marina.
2 All those types of things. And then waterfowl
3 concentration areas. That's a big one over on
4 the Eastern Shore. We work with our wildlife
5 folks. If a lease is applied for in a
6 waterfowl concentration area, they will provide
7 us feedback on whether the activity could
8 endanger or impact wildlife using that area.
9 So if you go through, if we go you through the
10 review process and the lease application meets
11 all the criteria, we don't see any impacts, we
12 send it over to Louis's shop and he conducts a
13 hydrographic survey of the area to get official
14 corner coordinates and water depths of those
15 coordinates. And that's the information we use
16 to advertise the project on the public notice.
17 Just a couple of slides about plans, project
18 plans, that we use in the State and also plans
19 to be forwarded over to the Corps on behalf of
20 the applicants. Aerial shots, a birds eye view
21 and cross sectional diagrams of what the

1 project looks like, what the gear looks like,
2 vertical clearance above the gear, how much the
3 gear projects off the bottom, the tide, tide
4 range, those types of things. And these maps
5 or these drawings just illustrate that. Next.
6 A close-up view of a cross section which is
7 really important for our process and the Corps
8 process. This happens to be for a project
9 where they intend to use cages on bottom. As
10 you can see, some of the marks there are to
11 show how much clearance there are at the cages
12 at mean low or low water, and then how much
13 depth there is at the site overall. So very
14 important part of our review. And then finally
15 after our initial review we go through a GIS
16 screening and look at 20 different parameters
17 and how close that project is to those
18 parameters, and our GIS staff at DNR actually
19 take readings using their software to determine
20 how far the projects are from things like the
21 nearest SAV, oyster bars within sanctuaries,

1 marinas, artificial reef sites. 20 different
2 parameters that we go through. And then if
3 it's in the acceptable level, we can move
4 forward. If one of the readings is in the
5 unacceptable level, then we look to either work
6 through that or request the applicant to modify
7 the project so it's within the acceptable
8 level. So public notice process. So we have
9 to advertise, this is in law. We advertise the
10 public notice of a project once a week for two
11 consecutive weeks in the local newspaper. We
12 also put that project out on our -- on the
13 department's web site, fish and boating service
14 called notice section. We send direct
15 notifications out to adjacent land owners where
16 the project is located. We also notify chairs
17 of the County oyster committees within the
18 County, that a project is proposed. And then
19 once that second advertisement is done, there
20 is a 30 day public comment period that we hold
21 the project for the comment period open 30

1 days. And then an individual that has a
2 concern over the project or would like more
3 information on that project can file a request
4 for a public informational meeting or they can
5 file a formal petition to protest stating why
6 they feel the lease should not be issued for
7 the project. So a public information meeting.
8 If there is a request for that, any member of
9 the public can ask for more information on the
10 project. The Department will go out in the
11 County where the project is proposed, generally
12 hold these at fire halls. We set up a poster
13 session with details on the project. Myself
14 and/or my staff, the applicant are there to
15 discuss the project and/or any concerns that
16 are raised and see if there is some common
17 ground to be reached. And sometimes the
18 project remains and differences are resolved,
19 conflicts are resolved. Sometimes we modify
20 the project based on comments at the public
21 informational meeting. Very successful tool.

1 Lot of resources as you can imagine in setting
2 up the meeting out in field, and generally
3 meetings are for two and a half, three hours
4 but they are very effective in trying to work
5 through some conflicts. And then finally if
6 after it's all said and done a member of the
7 public has a concern over the project and they
8 have a specific right, duty or privilege that
9 differs from a member of the general public,
10 and that could be if you're an adjacent land
11 owner and concerned about the project, if
12 you're a commercial fisherman, you have a
13 license to commercially fish and you're
14 concerned about the project, and you're a
15 boater that has worked or boated in that area
16 for a number of years and concerned about the
17 impact associated with that, you can submit a
18 formal petition to protest with the Department.
19 We receive that petition, we try and work
20 through it, if possible. And if not, next
21 slide, there is a process set up for

1 adjudication through the Office of
2 Administrative Hearings where we will actually
3 take the project for petitioner to protest the
4 hearing to try to resolve it. An
5 administrative law judge will make the final
6 decision on whether the department can or is
7 prohibited from issuing at least based on the
8 testimony in the hearing. Once the hearing is
9 held, the ruling from the administrative law
10 judge can be appealed to the next level of the
11 Circuit Court and then beyond that. We have
12 had a couple cases that went up to the highest
13 court. And they were not that fun, I'll tell
14 you that. So just a quick slide, a lot of
15 text. I apologize for that. But based on
16 interactions with existing leases just to make
17 some points here. Once a lease is issued, that
18 leaseholder is authorized to use that portion
19 of the state waters for shellfish aquaculture
20 purposes. As I said before, that does not
21 exclude other members from accessing that site,

1 as long as you don't disturb the gear or
2 harvest the gear or over the equipment that's
3 present there. Also leases do not prohibit a
4 land owner from exercising their right to wharf
5 out. So if a lease is issued in front of the
6 riparian property and down the road, year, ten
7 years, whatever it is, they decide that they
8 want to build a dock or a wharf along the site,
9 the lease does not prohibit them from doing
10 that if the Department of the Environment
11 approves the project in that area. So in a
12 situation like that, what we would do is we
13 work with the tidal wetlands license applicant
14 to make sure that prior to starting
15 construction they are required to notify the
16 leaseholder 30 days prior to that date so the
17 leaseholder has the opportunity to move the
18 product out of the way and allow the
19 construction project to move forward. There is
20 also some laws that protect the interest of
21 leaseholders once a lease is granted so their

1 gear is not able to be disturbed. In addition
2 to traditional leases we also issues permits,
3 shellfish aquaculture harvester permits, to the
4 leaseholder and any individual that's going to
5 be working on the lease. So any time someone
6 is out their working that lease they are
7 supposed to have a card in their possession
8 that shows they are authorized to be there.
9 That helps Natural Resources Police know that
10 an individual out there is not stealing
11 oysters, they are actually licensed to be out
12 there and approved by the leaseholder to be
13 working that lease. There was a situation, we
14 changed the regs about four years ago, to allow
15 where the permit holder is present on the
16 lease, a worker that is working under his or
17 her supervision is not required to have a
18 registration card. So if a permittee is out
19 there on the lease, they can supervise workers
20 that aren't registered. But that's the only
21 time an individual can be out there without a

1 card. Next. Corner markers. Give you a
2 couple photos on some different types of corner
3 markers that are in use on lease. We work with
4 the Corps and the Coast Guard to ensure that
5 their markers have private aids and navigation
6 authorizations. That's just the form number
7 there. Louis and Anne have been helpful in the
8 past in trying to work through some of the
9 issues we had with marking leases.

10 Leaseholders must provide information before
11 they deploy the product, and this is within
12 special conditions established under the
13 Department of Army permit. They have to
14 provide notification to the Coast Guard for
15 local notice if they are starting to deploy
16 product or gear out there on their lease. Then
17 also we have worked in the past with the NOAA
18 charting office to make sure water charts were
19 properly charted when necessary. Couple of
20 photos. We have a requirement in the State
21 that a minimum of four corners have to be

1 marked on your lease. We try -- one of the
2 best management practices is to have the
3 minimum number of markings out there to make
4 sure that the public is aware there is an
5 obstruction in a place if you're using water
6 column gear for a lease, submerged land lease,
7 to make sure the markings show there is a lease
8 out there so folks who are traversing through
9 that area they know there could be shell or
10 bottom or gear in the water. We have
11 everything from bamboo stakes that have signage
12 on them. On the far left there is a picture of
13 a lease owned by Eric Wisner down in the
14 Nanticoke River where he found that bamboo
15 holds up much better than PVC pipe or buoys
16 onsite. He uses that. He has to replace them
17 frequently but the cost is minimal. And he's
18 required to put his initials or his name and
19 the lease number out there so folks are aware
20 it's a lease. Then in the middle is a lease on
21 the Rhode River, Rob and Terry Whitt. They use

1 buoys out there, signage on top of those, with
2 lease number and initials. And then finally
3 far right for water column leases, we request a
4 more aggressive marking in there so it's more
5 easily identified by a member of the boating
6 public that's there is an obstruction out
7 there, orange, top to bottom, danger diving,
8 and then all the information that's required to
9 identify it as a lease. Just a quick couple
10 pictures of gear that's used out there. Top
11 left is a cage that's generally used on bottom.
12 And they have feet on them that are anywhere
13 from four to six inches high usually. They
14 could be wire feet, they could be wire feet or
15 legs with PVC pipe in them. But generally the
16 feet work into the bottom a bit, stabilize the
17 cage and then the oysters grow within the cage,
18 sometimes in bags, sometimes the focus use a
19 wire mesh that size so you can put a large
20 oyster in there without the plastic bags. So
21 that's bottom cage. On the lower right, a

1 float which is commonly used on an oyster
2 growth float where you have pontoons on top,
3 you suspend a cage just below the surface, and
4 individuals come and work those cages. And in
5 times when they expect some foul weather they
6 can actually pull the end caps off of those
7 cages, if they have authorization to do, and
8 sink them on the bottom so they don't run the
9 risk of having their gear break loose and
10 washing up on the storm. Finally on lower left
11 is just a float operation down in St. Mary's
12 County. A picture of what they look like when
13 they are nice and neatly lined up and kept on
14 site. Submerged land leases, as I said, a more
15 traditional type of activity. Folks plant
16 clean shell on the bottom, a stabilized bottom
17 to support the spat on shell that are in their
18 natural set so they can plant on their own.
19 Traditionally boats use a bottom dredge that
20 has a hydraulic winch that pulls it off the
21 bottom. Lower left is a picture of a dredge

1 coming aboard. And then the spat on shell that
2 they raise on these types of leases generally
3 look like a clusters of oysters. And at a
4 certain point in the life cycle when they
5 are -- generally when the oysters are over an
6 inch or inch and a half, the leaseholder will
7 go out and break the clusters up so when the
8 oyster finish is growing perhaps you can go a
9 little deeper cup and there will be individual
10 oysters rather than clusters when they come
11 back to harvest them. Next, Mike. So lastly I
12 just wanted to give you a snapshot of our
13 industry is today. If you look at total number
14 of leases, we have got 429 leases statewide.
15 And the majority of those, I think the number
16 is somewhere around 80 percent or so, are
17 submerged land uses that are the traditional
18 type of activity. Water column leasing is kind
19 of a newcomer to the aquaculture industry. And
20 we've got 87 water column under lease so far on
21 about 442 acres. Majority of the activities

1 occurring out there are still submerged, this
2 is shell on bottom. Average sizes. Submerged
3 land leases are a little bigger, they don't
4 grow oysters as intensely as they do on water
5 column leases. They're not packed in as tight.
6 And then the average size is about 20 acres or
7 so. And water column leases are smaller, they
8 try and intently grow those oysters, pack them
9 in tightly. They can raise, I think on average
10 growers are producing about 250,000 oysters per
11 acre on water column leases. Next. Just a
12 slide, kind of on activity and economics
13 associated with it. As I said, about 429
14 leases. Coming real close to 7,000 acres under
15 lease currently. We, through our shellfish
16 aquaculture permitting process, we keep track
17 of the number of individuals that we permit to
18 work on the leases. And over the last five
19 years that number seems to hover around 500
20 folks that are authorized to be out there
21 working on the leases. It doesn't mean all of

1 the individuals are actually working on the
2 leases but kind of gives us an idea how many
3 people are working in the industry or have the
4 ability to work in the industry. Harvest, back
5 in 2017, was right close to 75,000 bushels.
6 That number dropped off in 2018 due to the
7 environmental conditions that we all
8 experienced last year with the excessive
9 rainfall. Our harvest dropped somewhat. So
10 we're expecting around 60,000 bushels this
11 year. We haven't finalized those numbers.
12 They did drop last year. We expect that number
13 to increase this year. The salinity is
14 continuing to rise. Value is about \$6 million
15 dock side. That's with no multipliers or
16 anything. That's what individuals are
17 receiving or what they have received for the
18 farm raised product back in 2017. And then the
19 growth has been really steady in the industry.
20 We haven't seen a real hard spike with the
21 number of people coming into the industry

1 and/or potential dropoff because you see that
2 rise. People get in for the short term, can't
3 survive, ups and downs in the market, and
4 generally when you see a sharp spike you'll see
5 a sharp decline. We haven't seen that, we have
6 seen a nice steady climb up and individual
7 growers coming into the industry and producing
8 a product and staying in the industry. Harvest
9 graph, bar graph, on the left. And then on the
10 right just wanted to give you a quick look at
11 the number of applications that we receive per
12 year. And that hovers around 60 or so. That's
13 about how many applications we get on average
14 per year. And we approve generally a little
15 more than half of those. The process takes a
16 while. Right now we have got about 120
17 applications that are pending that we're trying
18 to work through the process. We can't seem to
19 get above 100. We get above, that number
20 starts to drop back down under 100 and then we
21 get a spike of ten or 15 applications back in.

1 Next. That's where we are in shellfish
2 aquaculture. Any questions.

3 RUSS DWYER: I got a few. I'm involved in
4 that a little bit. One thing you did say that
5 you can still fish over top of them, crab over
6 top of them. Which is not 100 percent. You
7 can't trot line over these aquatic things, your
8 trot line hangs up on them.

9 KARL ROSHER: On what, water column.

10 RUSS DWYER: On cages.

11 KARL ROSHER: Absolutely.

12 RUSS DWYER: Right. And even fish, if
13 you're going to use a bobber and fine if the
14 fish stays up. If you're going to bottom fish,
15 you're going to get hung up on the cages also.
16 So it really cuts down use of those areas. Not
17 going to get real involved. The Talbot County
18 Watermans did protest one of the leases in
19 Miles River. Are you familiar with that.

20 KARL ROSHER: Yes.

21 RAMONA TROVATO: And we lost. It cost

1 about \$11,000 in attorneys fees. To go to the
2 next stage, the attorney said it would be
3 somewhere between 50 to 100,000 to keep
4 fighting. They were areas that clambers had
5 clammed it, were there. And they gave
6 testimony it was a clamming area. That got
7 kind of thrown out. The lease went forward in
8 the end.

9 KARL ROSHER: So we spent quite some time
10 evaluating those conflicts and looking at the
11 information that was presented. And there were
12 some things that I won't say drove our decision
13 making but it helped us move towards supporting
14 the issuance of that lease. One was that
15 the -- there was an old lease that was existing
16 in that area years ago that was operated at one
17 time. So there was a history of leasing in the
18 area.

19 RUSS DWYER: Bottom lease, correct.

20 KARL ROSHER: Correct. And there was also
21 some of the clambers that we spoke with, and

1 their names escape me right now, but some of
2 the clammers said they don't clam there
3 routinely but they do when the wind is blowing
4 out of certain direction, would come in there
5 and work that area there. So it wasn't a high
6 priority clamming area, although they did clam
7 there. Yes, we did work on that.

8 RUSS DWYER: It's a -- I know there is a
9 lot of controversy between the waterman and
10 those aquatic leases that's going on. How
11 about the one at Phillips Wharf, did that go
12 through.

13 KARL ROSHER: We have one water column
14 lease off Phillips Wharf that Kelly has.
15 There's another one that's been applied for
16 north of that. And we have not -- there has
17 been some concerns raised over that one. We
18 have not approved that one yet.

19 RUSS DWYER: I know there's concerns over
20 that. That's actually going to be sitting on
21 the oyster bottom.

1 KARL ROSHER: There were concerns over
2 proximity to the shoreline and a hunting
3 business that's operated in the area that we're
4 looking into and possibly working with the
5 applicant to look at modifications to that to
6 reduce those impacts.

7 RUSS DWYER: Okay. Thank you.

8 KARL ROSHER: Thanks for the questions.

9 RAMONA TROVATO: My question is how
10 long -- well, it sounds like the process
11 continues for up to a year before there is any
12 public input requested. Is that correct or did
13 I misunderstand the process.

14 KARL ROSHER: No, that's not correct. We
15 go through the preliminary review, we call it
16 phase one and phase two review. And once we
17 get to the point we feel like there isn't
18 anything from a legal or resource standpoint
19 that would prevent us from issuing a lease,
20 then Louis goes out, takes the corner
21 coordinates, and we advertise the exact

1 position of that to members of the public. So
2 if you have to look at it, you're probably
3 looking at four months down the road from the
4 time the application is determined to be
5 complete, we conduct our preliminary review and
6 then put it out to public notice for review.
7 We looked at options in the past of advertising
8 it earlier in the process, but it changed --
9 they change so frequently depending on other
10 impacts that are identified through our review
11 that that's really the appropriate point to
12 advertise it. But what we're looking at now is
13 the department implemented a lease tracking
14 tool, lease application tracking tool for
15 members of the public. Because we have
16 received some comments, probably for the last
17 couple of years, about members of the public
18 don't know when applications are filed where to
19 locate them unless they are notified by the
20 department. So now once an application is
21 determined to be complete, we actually put the

1 application out there on an online tool so any
2 member of the public can come and check that
3 web page and look at all the applications in
4 process. And you can also sign up to receive
5 an e-mail when a change is made to that
6 tracking tool. So if the department adds
7 another application to the tool or changes the
8 status of an application in the process, then
9 you're notified by e-mail. So you don't have
10 to keep coming back and checking to see if
11 anything else is added.

12 RAMONA TROVATO: How do you find that
13 lease application tracking tool.

14 KARL ROSHER: I can send a link to you.

15 RAMONA TROVATO: Thank you.

16 KARL ROSHER: Sure, glad to.

17 AMY CRAIG: Any other questions.

18 Mr. Dwyer.

19 RUSS DWYER: Did you say you expected an
20 increase harvest this year.

21 KARL ROSHER: I don't know whether it's

1 going to be over the 2017 numbers, but we're
2 hoping that we'll see it surpass what we saw
3 last year, which was somewhere in the 55 to
4 60,000-bushel range. We have got varying
5 reports from leaseholders. Folks in the lower
6 Southern Maryland and St. Mary's County still
7 are having one heck of a time anywhere around
8 the Potomac River and down fall. Still having
9 a heck of a time with salinities climbing. I
10 talked to some leaseholders in Talbot County
11 where we've got quite a number of leaseholders,
12 and they have seen the salinity has climbed a
13 little bit and their oysters are looking
14 really, really good right now. So we're hoping
15 they can get back on line. The real issue this
16 here is going to be the availability of oyster
17 larvae seed for these folks to plant. Because
18 the hatcheries, including Horn Point, are
19 having a difficult time get the brew stock
20 oysters to condition and grow to adult camies
21 and spawn. So I would imagine they are going

1 to see a delayed spawn, so larvae is not going
2 to be available for our growers to use to set
3 oysters, or seed is not going to be available
4 to plant until later in the year. Could be a
5 difficult year for that.

6 RUSS DWYER: I know most of the watermen I
7 talk to are worried about the oysters because
8 of all the fresh water we had this year for
9 disease.

10 KARL ROSHER: It's been a problem. And
11 honestly the flavor has been off too. I'm not
12 sure as far as public fishery goes, but most of
13 that goes into a shuck product. But the folks
14 that were harvesting oysters and selling them
15 into the raw bar market, or per piece market,
16 had some difficulty because the salinity
17 dropped so much that there was really no brine
18 taste at all, it was just a fresh water taste.
19 And as you can imagine, the market --

20 RUSS DWYER: But this year has been a bad
21 year for them, and there's a lot of them

1 talking about not even going next year. Thank
2 you.

3 RAMONA TROVATO: What is ideal salinity
4 for these oysters.

5 KARL ROSHER: Ten and above.

6 RAMONA TROVATO: Ten and above.

7 AMY CRAIG: Any other questions or
8 comments. No. Thank you very much.

9 KARL ROSHER: Thank you.

10 MIKE GRANT: That brings us to lunch.
11 Unless you want -- yeah, probably should go to
12 lunch.

13 AMY CRAIG: And we're adjourned to lunch.

14 (Lunch break taken.)

15 AMY CRAIG: Okay. Let's resume our
16 meeting with COMAR corrections. We're not
17 ready yet. Julie is going to go with boater
18 safety.

19 ANNE WILLIAMS: If that's okay.

20 AMY CRAIG: Yeah. Julie.

21 JULIE BROWN: Thank you very much. I'm

1 not used to being this close to people while
2 holding a microphone, so I might back up a
3 little to not blow you out. Thank you all very
4 much once again for allowing me to present to
5 you all this afternoon. Very much so
6 appreciate it. As you know name is Julie Brown
7 and I work for the Natural Resources Police,
8 Safety Education and Outreach Unit. So that is
9 the most current and recent title we have for
10 our unit. I'm sticking with that for now. And
11 my title currently is boating education
12 coordinator, but that might change tomorrow
13 too. But that's okay, it's all on the same
14 thing. We were talking about earlier what is
15 coming up. Well, truthfully what really is
16 coming up is spring and the start of the
17 boating season, correct. And then May. So
18 starting tomorrow, May 1st, hear me loud and
19 proud, I will wear this life jacket every
20 single day of the month of May. I promise you.
21 And if I don't have it on and you see me and

1 you spot me without it, I'll have to give you
2 some sort of props. So that's what I'm going
3 to do to promote the awareness and promote life
4 jacket wear. And if you've ever done that
5 before, which is wear your life jacket outside
6 of the venue of boating, you will get some very
7 interesting conversations going on. Standing
8 at Dunkin Donuts wondering why everybody is
9 looking at me. And then next thing you know
10 they are all fully engaged in conversation. So
11 it's really great. Now, FYI, one -- a couple
12 specific dates are May 17th is, ready, National
13 Wear Your Life Jacket to Work day. That is a
14 very biggy. So if you all would be so kind for
15 our benefit to maybe snap a photo of you
16 engaged in work for the day wearing your life
17 jacket, it would be wonderful. We'll post it
18 on Facebook page and get involved in a lot of
19 fun. Starting on the 18th through the
20 following week it is officially National Safe
21 Boating Week. So that entire week we'll be

1 celebrating with lots of vessel inspections and
2 public service announcements and social media
3 announcements. I'm not sure of the day, but I
4 think it's Wednesday of that week, we will be
5 at the Orioles game. Unfortunately we're
6 playing the Yankees. I didn't say that. But
7 we had in past years played the Mariners, which
8 I really thought was supercool, but -- kind of
9 a connection, but now we're playing the Yankees
10 this year. We will proudly be there to talk
11 about wearing your life jackets and reaching
12 out with our public service to the folks at the
13 Orioles game. If anyone would like to go, we
14 would love to see you there. Come on over and
15 say hi to us. But the one thing I wanted to
16 talk a little bit about today is first of all I
17 would like to congratulate the team here, Mike
18 Simonson, Mike Grant, Anne and Louis as well,
19 on the good work in regards to getting our DNR
20 family up to snuff with the current regulation
21 that's been in place. So it's always good to

1 brush up on our skills and our understanding of
2 the regulation. And it came to note that we
3 were needing to focus a little bit more on our
4 own folks wearing life jackets out there. You
5 know, it happens. So fortunately for us it
6 happened quickly with the team that we have.
7 So, Mike, I thank you, and Mike Simonson, and
8 Louis as well, because Louis was the one that
9 did some digging and found out some good
10 information for us. Now I can happily say that
11 we have placed an order with the National Safe
12 Boating Council for over 80 life jackets for
13 the department. And we're going to get on that
14 right as soon as we possibly can.

15 MIKE GRANT: 108.

16 JULIE BROWN: 108. I'm sorry. I'm a
17 little low on the amount there. 108. So also
18 along with that the current person in charge of
19 fisheries, Dave Blazer, who you all know, he
20 has also asked that everyone in the department
21 to take a Maryland Basic Boating Course if they

1 are operating a vessel out there for work. So
2 that's currently in process which is really
3 great. So we're getting things moving in that
4 regard. We're very happy about that. The one
5 thing I wanted to talk just a little bit about
6 are the inflatable life jackets, because it's
7 always a controversy. Does anyone in here
8 utilize an inflatable? Very good. I had a
9 comment the other day that, "Oh, I'm not a fan
10 of inflatables." I said, "oh, okay, that's
11 your prerogative. Why would you not be a fan."
12 She said "because they have a 8 percent failure
13 rate," not working or deploying or whatever.
14 And I thought to myself, well, what's better
15 not wearing one at all is the other option.
16 And another option also, there is always a
17 failure rate in any product. Right. We have
18 had -- we have instances with already bouyant
19 jackets, people wearing them and getting caught
20 in rigging and that causing a fatality as well.
21 So there is always circumstances that you're

1 not going to expect. But if this is the type
2 of life jacket that's going to be comfortable
3 and we're going to get that user group wearing
4 them, that's the way to go. That's the message
5 we're going to spread. But on top of that
6 message, we have to make sure that everyone
7 understands the importance of how they need to
8 be utilized and how they need to be maintained.
9 And also the understanding of the inflatable.
10 As you can see here, everybody noticed that I
11 brought a couple here to show. They are all
12 the suspender style, like what I have on. But
13 you have Mustang, you have West Marine, you
14 have suspenders. And this is even one what the
15 NRP officers wore a long time ago. So in
16 reading the labels on these life jackets, would
17 you assume that they would all be the same?
18 They are all inflatables, right? Well, most
19 people think, yes, it's a type five because
20 it's a special use, right. So as a special use
21 it has to be worn. So this has to be worn in

1 order for it to count as a carriage
2 requirement. You can't have it, you know,
3 sitting off to the side with your other life
4 jackets. Well, in reading these labels now,
5 we're realizing how important it is to know
6 your product. For one, this jacket right here,
7 which was used by our officers, doesn't even
8 have a Coast Guard approval label on it. That
9 is not a Coast Guard approved label. And it
10 even says right here, "not Coast Guard
11 approved." So if anyone is out there wearing
12 that and I saw it, would I know any different
13 that that wasn't Coast Guard approved. Looks
14 just like these guys, right. Read the label.
15 Now, this is another officers life jacket
16 currently today, okay. It's still a little bit
17 of an older model. But in reading this label,
18 it is a Coast Guard approved life jacket,
19 however, it's a type two life jacket is what
20 they are calling this, based on the standard
21 that it was approved on. So you know what a

1 type two life jacket is, I know you all do,
2 it's that lovely orange little Gumby style vest
3 that we all had to wear when we were kids. The
4 only option that we all had, you know, walking
5 to school uphill both ways with no shoes and
6 wearing that crazy orange life jacket. Now the
7 options are obviously way better. But this is
8 a type two. And guess what, on the label it
9 doesn't say anything on it about having to wear
10 it to count as part of the carriage
11 requirements. Guess what I can do with this
12 inflatable? "Young lady, where is your life
13 jacket. It's over there. Oh, no, you have to
14 put it on, it's an inflatable. No, I don't,
15 it's a type two, and it doesn't say I have to
16 wear it." Yay caramba, right. So that's that
17 one. And then you have one from West Marine
18 that's pretty recent, and on its label it says
19 it's an adult type five. So now we've got
20 non-Coast Guard approved type two and now we've
21 got a type five, which is great because we all

1 know type five is special use and it has to be
2 worn. And the good thing is it says that right
3 on the label, it has to be worn to count.

4 Let's move up to the one I actually have on.

5 We got this one. Anybody want to guess what

6 type this one is standard as, approved as?

7 FRED LEVITAN: Fourteen.

8 JULIE BROWN: No, it's a type three, which
9 is your recreational ski vest style, you know,
10 coddle in the front, pretty much everybody
11 wears these day. That's a type three but it
12 says on the label it has to be worn in order
13 for it to count. So thank goodness that the
14 majority still stands that you have to wear it
15 in order for it to count. However, the real
16 majority is read the label of the product
17 you're purchasing so you know. Right. You
18 know before you go that that's what that
19 product is all about. So that's real
20 important. And to make matters even better,
21 they are taking away the whole type delineation

1 of life jackets. There will no longer be type
2 one, two, three, four and five. I'll probably
3 be gone from here as well as you all too and on
4 to bigger and better things before we even
5 really see that hit the market. It is a
6 tremendous undertaking to go through the
7 process of putting a new label on millions of
8 life jackets across this country. So once they
9 do it, it will standardize everything, I hope
10 for everyone in a much better way. It will be
11 very pictorial, it will show this is a near
12 shore, this is off shore. It will refer to it
13 as the activity that it is responsible for. So
14 let's see as time goes on if we do see those
15 approval stickers that all show up in the
16 stores. You never know. But in regards to
17 maintenance. We were talking about this
18 before. This life -- how many of you all --
19 how long have you had your life jacket, more
20 than two or three years. Now the question.
21 Has anyone not ever deployed their own life

1 jacket. Your inflatable has never been pulled.
2 It's never been pulled. Anybody else never
3 pull theirs. In how many years?

4 COLES MARSH: Four, five.

5 JULIE BROWN: See, here's a good education
6 that so everyone needs to know the best form of
7 maintenance for an inflatable is to inflate the
8 jacket at the end of every season and replace
9 your cartridge. Just for the fact that your
10 cartridge, you never know, after that whole
11 year, if that is going to be good or not. It's
12 just good practice. It's not required but good
13 practice. And then when you do inflate it, if
14 I'm wearing this, I'm rubbing up against the
15 boat, I'm, you know, pulling it out of the car,
16 I'm throwing it over here, throwing it over
17 here. It's not like I'm going to hang my life
18 jacket pretty and danty and nice, right. It's
19 going to get wear and you will not have a clue
20 if you punctured this in some way. So at the
21 end of every year when you go to pull it and

1 deploy the canister, pull it, inflate it, put
2 in the corner somewhere, go off for the day, do
3 whatever you do for the rest of the day, and
4 the next day make sure that jacket looks
5 exactly the same way it looked when you put it
6 there yesterday so you know there is no
7 compromise on the jacket. That's kind of, you
8 know, self-explanatory in a way. But it's very
9 important that people know that so they know
10 their jacket works every year. Now, if you
11 don't want to deploy your canister, it does
12 have an expiration on your canister, so you can
13 look at it. And if it's not expired and you
14 don't want to deploy it, such as a
15 hydrostatic -- a hydrostatic jacket, their CO2
16 is very expensive. So if you would rather not
17 utilize it, you do have this option. So every
18 year at least inflate it on your own and leave
19 it in the corner to make sure there are no
20 holes or tears or rips or whatever. So that's
21 what we're telling people. The other thing is

1 with this new life jacket -- not new, with
2 everyone getting a good push to wearing life
3 jackets within DNR, they are getting the
4 inflatables. And when they go to put it on, I
5 had one gal put it on and, I don't know if I
6 can do it here, but she put it on just like you
7 do a regular life jacket, right. Just like you
8 do -- any of you come up right now and pull
9 this cord. She put it on like this and I
10 turned around and I. She went "what, I got it
11 on." It looks good but your ribs are not going
12 to like it. Because when you pull that cord
13 and you go uh, it will literally crack your
14 ribs if it's that tight against you. So I've
15 had kids come into boating safety class and say
16 "my granddad broke three ribs on the boat this
17 weekend." It wasn't because he fell, it's
18 because the little boy pulled the cord by
19 accident and granddad had the jacket too tight.
20 So the first thing I did, was it Angel I think,
21 was loosen it up and tell her "you want a four

1 finger width in between your stomach and the
2 belt buckle right there." Just so it's loose
3 but not loose enough so when it inflates it
4 goes flying off your head, right. That's an
5 important one, because the first thing you do
6 when you put this on, you pull it as tight you
7 can get, right, so it stays on you. But those
8 are all the little nuances that we want to get
9 out there while we're plugging the wear of
10 inflatable life jackets. So just to keep
11 everybody up to snuff with the best tactics.

12 JOHN PEPE: The Mustangs you guys are
13 buying, are they hydrostatic jackets.

14 JULIE BROWN: Are they hydrostatic. No.
15 We did a good bit of research on which jackets
16 to choose. Mind you this is kind of in its
17 infancy, so you got to, like they said, start
18 somewhere with a product and get it going and
19 test it. So it may not be perfect for
20 everyone, however, the hydrostatic is very
21 known to have a higher fail rate. So when I

1 was mentioning before the 8 percent for just
2 your generic inflatable, it's a good bit higher
3 for the hydrostatic and known that those issues
4 with that life jacket happen. There is also
5 another little teeny tiny thing that deters us
6 away from hydrostatic, the cost. They are very
7 expensive. So they are about over \$250 and
8 then the canisters are a whole other 50, \$60.
9 So the cost of those kind of, you know, gave us
10 a little bit of a change there in our mindsets.
11 So we went down and thought all the way down to
12 the automatic. And the reason why we didn't go
13 with the automatic is because we have folks
14 like Angel that are out there pulling in nets
15 and getting wet and getting down and dirty. If
16 an automatic life jacket, which goes off
17 without you even pulling it, if it gets wet or
18 sprayed, it's going off. So we can have some
19 people in compromising positions if they are
20 over the side of the boat pulling in a net and
21 it goes off and they get hung up in the net.

1 So we thought about that. Of course we came to
2 the manual and we found in talking to the
3 National Safe Boating Council a majority of the
4 states across the country who have Natural
5 Resources, Fish and Game, these type of
6 agencies, go with the manual inflated life
7 jacket. So that's through our research what we
8 decided to start with is the manual inflated
9 life jacket. And it is a jacket that I -- I
10 could have had brought one with me today.

11 MIKE GRANT: I didn't think to.

12 JULIE BROWN: It's an Onyx brand jacket.
13 And thankfully due to our membership with the
14 National Safe Boating Council, we're getting a
15 very good discounted rate on those life
16 jackets. That's a good thing and they are
17 always willing to help us with whatever it is
18 we need to keep our folks safe. So we're
19 hoping that the choice with the manual -- with
20 the manual inflated life jacket will go over
21 well and we'll continue working with the staff

1 and hearing their thoughts throughout the
2 season about what works best and what doesn't.
3 There may be staff out there as well who an
4 inherently buoyant jacket they should really
5 have. And that would be the case in colder
6 weather. When we get to the colder weather
7 months, it's going to lean towards a float coat
8 style life jacket and focusing on that and
9 hypothermia. So that is kind of the gist of
10 what's going on in the boating safety world on
11 a low -- slight, low level. But if anybody has
12 any questions for me, I'll be more than happy.

13 STEVE KLING: Are you going to blow up the
14 life jacket this time.

15 JULIE BROWN: Do you want me to? All
16 right. Who has never inflated one?

17 MIKE GRANT: Steve hasn't.

18 JULIE BROWN: It was Steve's idea. Get
19 your butt up here. I'm not going to do this
20 for you all because you know how often I do
21 this.

1 STEVE KLING: All the time.

2 JULIE BROWN: Way too often and it doesn't
3 benefit anybody if I keep doing it. So Steve,
4 get up here. Don't snug it now.

5 STEVE KLING: Don't snug it. That's nice
6 and loose. That's good.

7 JULIE BROWN: And these are expandable and
8 they will go up to like a double extra large
9 size.

10 COLES MARSH: Do you have extensions like
11 you have on airplanes.

12 JULIE BROWN: Yeah, they do. They do.
13 But unfortunately when you add the extension to
14 it they are not longer Coast Guard approved.

15 STEVE KLING: I don't have four fingers.

16 MIKE GRANT: And this is why you size it
17 before you buy it.

18 STEVE KLING: I don't want broken ribs.

19 JULIE BROWN: There we go. He's good.
20 Nice and wiggly. No, no, do it right in front,
21 let everybody see how nice it looks. Is Steve

1 ready to go? How do we know Steve is ready to
2 go? How do you know you are ready to go,
3 because I told you?

4 STEVE KLING: Yes.

5 JULIE BROWN: Well, now you tell yourself
6 whether or not you know you're ready to go.

7 STEVE KLING: I'm dry, I'm not ready to
8 go.

9 JULIE BROWN: You're not in a boat, yes.
10 But you're ready to fall overboard. I'll get
11 that bucket of water. So how are you going to
12 know. Don't pull it yet. How do you know by
13 me not telling you whether or not that jacket
14 is ready to go. Take a look at it. How would
15 you be able to know. You're not real sure.

16 AMY CRAIG: Green.

17 JULIE BROWN: Green means go. You're
18 ready to go. So if you weren't ready to go,
19 that thing would be red and that means that
20 you're missing the cartridge out of here.
21 That's another really important part of it.

1 COLES MARSH: Show us.

2 JULIE BROWN: Now you can get back at
3 somebody. See what it says. Pick somebody.
4 It says jerk.

5 STEVE KLING: That's when you know the
6 jacket is leaking.

7 JON SHELLER: Steve, could you get on top
8 of that table first.

9 STEVE KLING: This is going to hurt.

10 JULIE BROWN: No, two, three, pull down.

11 STEVE KLING: It's cold.

12 JULIE BROWN: Isn't it. All right. So
13 yeah. And the funny thing is you were nervous
14 about it. So if you went in the water wearing
15 it, are you going to be in the water going
16 haha.

17 STEVE KLING: No, I'm going to pull that.

18 JULIE BROWN: So you're going to be doubly
19 nervous in the water. Do this before you go in
20 the water, prepare yourself for what this feels
21 like and what it's going to do before you're

1 already under duress and in the water going,
2 ah. You might not pull it, right.

3 STEVE KLING: This would make airlines
4 nervous if you got on --

5 JULIE BROWN: They would be jealous. Get
6 the cameras out, ready. No, no, you're not
7 getting away with this. We have to put this
8 jacket back the way it came, the way you saw it
9 on me. And Steve has to do this very important
10 step. Okay, Steve. Is it hooked back in.
11 Hook it back in. Now, everybody listen real
12 quick. Hear that, that's releasing the air out
13 of the jacket. So what Steve has to do is put
14 his finger there. Not yet. Put your finger
15 there, wrap your hands in front, and as you're
16 letting the air out, say I love my life jacket
17 so much. Come on, squeeze it. It's not going
18 to work if you don't do it.

19 STEVE KLING: It's going down. Hi, honey,
20 I'm home.

21 JULIE BROWN: There you go. That's an

1 important part of the final presentation. I
2 love my life jacket.

3 STEVE KLING: How about this sweet voice.

4 JULIE BROWN: Helium. So there you go.

5 As Steve is slowly getting the air out of that,
6 when he's done, he'll fold it back up and do
7 what.

8 STEVE KLING: Give it to the next person.

9 JULIE BROWN: No, you got to be nice to do
10 it. Why would that be nice to do. What does
11 Steve need to do now. He needs to get a new
12 cartridge, take it out and get a new one.

13 ROBIN ALLISON: Take it to the store with
14 you so you get the right one.

15 JULIE BROWN: Absolutely. That is not the
16 worse.

17 STEVE KLING: West Marine.

18 ROBIN ALLISON: Not any more. Back to
19 Faucets.

20 STEVE KLING: And it's red.

21 JULIE BROWN: And red means.

1 STEVE KLING: Don't go. Stay on board.

2 JULIE BROWN: Red means dead. But anyway,
3 not to put a downer on anything, but we do
4 already have one fatality for us this season
5 unfortunately. The gentleman, I believe it was
6 on the Patuxent River, had some issues and it
7 was alcohol involved. So he did not have a
8 life jacket on and they found his sailboat on
9 the rocks and found him down river.
10 Unfortunately one too many and let's hope that
11 we can put a kabash to that and stop it now.
12 So I would love to say at the end of this
13 season that we had none, I can't say that, but
14 if we can say we only had one, that would be
15 really incredible. So let's get out there with
16 our word and knowledge of boater safety and the
17 importance of wearing life jackets. Thank you
18 very much. Oh, one last thing if you don't
19 mind. I would like for you all to look at this
20 life jacket. You see it. How many kids have
21 you seen wearing the puddle jumper. It is the

1 hot ticket for kids life jackets. Look at
2 them, styling, even the little boy, he even
3 looks like he's more into it than the girls,
4 like check out my life jacket. They love the
5 puddle jumper. Guess what, the puddle jumper
6 is Coast Guard approved. Guess what, the
7 puddle jumper can not be worn by children under
8 the age of three on a boat less than 21 feet in
9 length in the State of Maryland. Anybody know
10 why. You need two things that it doesn't have.
11 Headrest. And this to pull the little bugger
12 back in the boat when they fall out. There is
13 not any of that equipment on the puddle jumper.
14 Last year, just standing in Liberty Marina at
15 the base of, what is it, Route 2 there, I think
16 we saw five or six boats go down South River
17 with a pile of kids on board wearing those life
18 jackets. We've got to get that word out and
19 spread the message. That's a great pool life
20 jacket. It's wonderful for the pool, but it's
21 not approved for the State of Maryland in

1 boating. So if we can spread that message,
2 that would be a great thing. All right.
3 Anybody have any questions. Mr. Pepe.

4 RUSS DWYER: What kind of commercial vests
5 do you have.

6 JULIE BROWN: Commercial vests. Well, we
7 really have only focused on the recreational
8 side, so we don't really dabble into the
9 commercial side.

10 RUSS DWYER: I still need a commercial
11 vest for my boat.

12 JULIE BROWN: Yes, you still need the
13 commercial vest, absolutely. And the ring with
14 the line. There is a good bit of differences
15 between the two. Sorry. John.

16 JOHN PEPE: That's okay. Just had a very
17 important question. That's all. When are we
18 going to go to Ocean City and fly jet boards
19 once again.

20 JULIE BROWN: When I can learn how to do
21 it. Here's Julie. She's up, feet above the

1 water. No, Mike was supposed to bring the
2 water toy today. It's called -- what was it
3 called.

4 MIKE GRANT: Do I still have it.

5 JULIE BROWN: Something board. Is it like
6 a segway on the water. That's what my gist
7 was. Like whatever direction you move, that's
8 the direction you go.

9 MIKE GRANT: It's a disk. It's like a
10 disk. Three and a half knots or something like
11 that.

12 JULIE BROWN: 3.5 knots. And I think it
13 said when you move in the direction you want to
14 go, it moves that direction. Just one more
15 fun. Hey, take your mom's kitchen sink and
16 throw it in, I don't know. But as always
17 though, the stand-up paddle board issue, please
18 spread the message -- quick question. What is
19 the best life jacket out there.

20 STEVE KLING: One you are wear.

21 JULIE BROWN: You spoiled my lunch. Did

1 everyone hear what the best jacket out there
2 is. There is one that is top dog. It's called
3 the one you're wearing. So the one you're
4 wearing is the best life jacket out there. I
5 know that's kind of hokey but we like to be
6 hokey, or at least I do anyway. But thank you
7 very much. I appreciate your allowing me to
8 present today. And if you have any more
9 questions, just let me know. If you ever need
10 to borrow any kind of life jacket, always feel
11 free to give me a holler. I'll be more than
12 happy to let you utilize whatever we have in
13 our stash.

14 AMY CRAIG: Mr. Sheller.

15 JON SHELLER: Have you seen the soundings
16 or daily soundings e-mail that we get. There
17 is an article that says what does a drowning
18 person look like.

19 JULIE BROWN: Oh, that is very
20 interesting. It doesn't look like what you
21 think. A drowning person is not going to go

1 "help me, help me, I'm drowning." They look
2 just like everybody else out there swimming and
3 they just slowly go down and slowly go under.
4 Is that what you saw? Yes. It's a pretty
5 interesting article to read. So I don't know
6 if I read that one specifically, but we have
7 been talking about that over the course of the
8 year about drowning victims, definitely. The
9 little girl that drowned at Sandy Point, I mean
10 just went down so quick. And you would think
11 that you would hear all this "help me", but
12 you're not. What did you get from it.

13 JON SHELLER: In fact there is actually a
14 biological mechanism when you're in the water
15 and you're drowning, your body reacts in a
16 certain way so you're not flapping arms above
17 your head, you're trying to climb a ladder out
18 of the water. And at the same time to keep
19 from kicking water in, your breathing system is
20 trying to keep the air in there and get more
21 air every time you come up so it cuts off your

1 speech mechanism so you're not yelling at the
2 same time. So you got two biological reactions
3 going on that are helping you drown while --

4 JULIE BROWN: Helping you and not helping
5 anyone else help you.

6 JON SHELLER: Right.

7 JULIE BROWN: Yeah, that's really scary.
8 And when you said acts like a ladder, like you
9 feel like you're using a ladder, guess what you
10 don't do when someone is in the water and
11 they're trouble. Don't become the ladder.
12 That's what everybody wants to do. I'm going
13 to jump in and save Johnny, right. You jump in
14 to save Johnny, he looks at you as a ladder.
15 Really. They really do. And they are going to
16 push you under and then it's going to be a
17 double catastrophe.

18 COLES MARSH: First thing in new lifeguard
19 training, I did lifeguard for years, first
20 thing in training is you don't get close to
21 that person drowning unless you grab them by

1 the knees, if you can dive under and get them
2 by the knees and spin them around. But you
3 better hold on tight once you get them to
4 safety. Because I had a little lady, was a Red
5 Cross instructor, weighed about 120 pounds and
6 taught Red Cross life saving. Off the creek,
7 in Watchit Creek, Virginia, the tide went in
8 six knots, and she jumped and you had to save
9 her. And you better make sure one thing, you
10 got her, you hold on tight, because she can get
11 away from you and jab.

12 JULIE BROWN: The new variation is now
13 reach, throw and go. They use to just say
14 throw, but that's kind of a mute point. And
15 when you're talking to kids, I mean the first
16 thing they do is like, okay, let me help you,
17 John. John, you know, what the heck. So you
18 got to teach these kids how you do it. How do
19 you reach. You got to get down here, pull from
20 a lower gravity, pull in if you're too tall.
21 So we do a lot of that with the Water Wise

1 program, which is for the younger kids.

2 ROBIN ALLISON: And have a big float with
3 you when you try and get somebody.

4 JULIE BROWN: Yeah. What they don't
5 understand is I'll say "what did you all come
6 to the beach today to do, have a picnic."
7 Awesome. What did you bring your picnic stuff
8 in? A bag. No, what did you keep your drinks
9 cold in? A cooler. Guess what, dump
10 everything out and throw that cooler out there
11 to that person because it's going to float for
12 a little while. So utilize things that you
13 don't know that would work as a floatation
14 device. Right. Throw it out there. If you
15 have a beach ball, throw it out there,
16 something for them to grab onto. But not
17 yourself. As you can see we could probably
18 talk all day long on all these lovely topics.

19 RUSS DWYER: You're not supposed to go
20 swimming a half hour after you eat.

21 JULIE BROWN: I give my mom grief on that

1 one every day.

2 AMY CRAIG: Thank you, Julie. Always a
3 pleasure. Anne.

4 ANNE WILLIAMS: What a tough act to
5 follow. You guys have to get back to work now.
6 Jeannine had already passed Regulation 04 you
7 have on your desk. Eventually, whenever the
8 print shop is done, you'll get 18. We'll talk
9 a little bit about our two regulations, where
10 they are. I had numbered the pages so you
11 could follow but since you don't have a paper
12 copy it will be kind of hard. As everyone
13 remembers, a couple years ago we tried to
14 consolidate some of the regulations when we did
15 a big redo on our regulations. We went through
16 our regulations and standardized terminology,
17 different things. In the action of doing that,
18 we made one dictionary. We have two sections,
19 so we're going to talk a little bit about our
20 dictionary, what we need to do to fix that. We
21 moved some things into a specialized area

1 called, I think it's special area something
2 like that. I can't think of it right now. It
3 will come up on that. We moved some other
4 things and we're going to talk about that a
5 little bit. We've been talking a little bit
6 about the Potomac River and up on Deep Creek
7 Lake, some of the things they do, and then the
8 bow riding. We're going to talk about that a
9 little bit today. The only thing you guys need
10 to think about today is whether or not you're
11 going to address these questions I'm going to
12 throw at you in a full meeting with all of you
13 or if you're going to create a new regulation
14 meeting and then address the questions we will
15 have at the end through a regulation meeting.
16 So today I'm just going to brief everybody on
17 the issues and we're going to bring before the
18 Boat Act Advisory Board, and your only question
19 so you don't have answer all of them today, is
20 how are you going to create a committee to
21 answer these questions because it's going to

1 take a little bit more than just regular
2 research to do this. So that's what your home
3 page looks like. That's what you bring up
4 online. Mike, be the first one.

5 MIKE SIMONSON: Which one do you want.

6 ANNE WILLIAMS: Hit next slide. If you
7 hit that button on the next slide, you're going
8 to go to our regulation page. When -- keep
9 going next. There you go. When you do that,
10 we leave the DNR page. We're now on
11 regulatory. We are at ALER, which stands for
12 something where we keep all our laws and
13 regulations. We have two sections, if you hit
14 you'll see 04.

15 MIKE SIMONSON: Just give me a cue, and do
16 it again.

17 ANNE WILLIAMS: Those are the two sections
18 that you will have a hard copy, 04 and 18.
19 That's where all our regulations reside and
20 that's where the public would find them. When
21 we're going through this, we're going to talk

1 about whether or not we should move things that
2 would be in a section called, I can't think of
3 it, it will come up in a minute, the special
4 use areas. Should we do more things in the
5 special use areas. We have rowing that's only
6 on College Creek. Should it stay on College
7 Creek or should it be statewide. The
8 definitions -- the dictionaries are exactly the
9 same. ALER has told us we can't maintain them
10 that way, we need to read the regulation, keep
11 those words that are appropriate in 04 in 04,
12 keep those words appropriate in 18 in 18 but
13 not have the two different dictionaries exactly
14 the same. The definitions will need to change.
15 Like I said, Potomac River. Up on the Potomac
16 they use terminologies different than what's in
17 regulation. They print them on maps which
18 makes it confusing. So should we address it in
19 the dictionary. Should we make a dictionary
20 that fixes those things. And then the very
21 last thing was who can put out a buoy pile or

1 sign in the State of Maryland? Anyone that
2 wants to that can get a Coast Guard permit. So
3 the designated rowing area was one of the
4 things we talked about when we consolidated a
5 long time ago. It is only in the Severn River.
6 So that means right now the only designated
7 rowing area we have is College Creek. Has
8 anybody seen the rowers not in College Creek.
9 I have. So therefore some of the things that
10 we take for granted, like they don't have life
11 jackets on, guess what, if they are in College
12 Creek they don't have to have a life jacket,
13 but they probably should everywhere else since
14 the only place we allow designated rowing areas
15 is College Creek. So should we move that up to
16 a special use area. One of the things you guys
17 should discuss in the next go-around. Racing
18 skull. We have two definitions for racing
19 sculls and racing shells. They are both the
20 dictionaries right now, and how the public uses
21 them can only be found up in the main

1 dictionary. So is that where we want it to
2 reside or do we want it somewhere else. When
3 we get the dictionaries that will make more
4 sense. Next slide. One of the things that I
5 read is that in College Creek you can't put a
6 mooring buoy in College Creek near the racing.
7 However, in our mooring buoy regulation, which
8 is in 04, we don't say that. So should that be
9 modified if we don't want mooring buoys in
10 there. Should somebody looking for a mooring
11 know that they are not in College Creek in that
12 racing area. Again, something you guys need to
13 talk about so our regulations are consistent
14 from one page to the next. Next slide. So
15 when we went to the process we did this
16 combined definitions thing. So ALER told us we
17 can't keep it that way. When I researched
18 where we had dictionaries, these are all the
19 places that we have a dictionary. I'm not a
20 legal person, I don't know, but I just know
21 from being public trying to follow your

1 regulations, sometimes it takes more than a
2 notion. Today you had a discussion about the
3 Patuxent River, Mill Creek. So in Mill Creek
4 it has a little thing, it says restricted six
5 knots. And even here when you guys were
6 talking, you don't know what that means. You
7 got to go to the dictionary. If you go to the
8 dictionary you'll find it says 17-foot or
9 under. So if you go to the regulation, it says
10 restricted, but you have to go all the way up
11 to a definition to find out that that means
12 17-foot and under. Well, is that how we want
13 to talk to the public. I don't know but that's
14 where you guys, being the boating public, need
15 to look at. Some of our dictionary stuff makes
16 you go back and forth before you can understand
17 a regulation. So hopefully whatever committee
18 works on this will look at that and say it does
19 meet the boating public interest in the best
20 way. Next slide. Our regulations have been
21 added over time, several times, and things get

1 changed around. There is one legal reference,
2 and it was only in 04, 18 was added much later
3 after 04, and it talked about how it had a
4 legal reference. Eighteen does not have that
5 same legal reference. Should it? Again, I'm
6 not a lawyer, but I think if you're putting
7 definitions in and following rules, both should
8 have the same legal reference back and forth.
9 Something again looking for some guidance.
10 Next slide. So everybody can't comprehend all
11 our stuff. I like to be on the water, my place
12 is around it. Everybody can't comprehend our
13 stuff, so then we have special interest groups
14 making specialized maps. Deep Creek Lake makes
15 their own maps of our speed limits. Next
16 slide. They call it something like no towing,
17 no power vessels, no wake surfing, public
18 access sites. They are not in regulation that
19 way. Unfortunately for Deep Creek Lake they
20 asked Anne's help on the next map when they
21 were making their slide, so -- next slide, I

1 changed that. And when I was looking I found
2 out that we repealed some things that aren't
3 there. We need to correct some references,
4 again, looking at the regulation, that
5 particular COMAR code was repealed so it
6 references something that's no longer there.
7 The next slide, when I fixed the map. Two
8 before. I'm jumping ahead of myself. Noise
9 levels on Deep Creek Lake. Has this great law
10 but it says something about, if you read here,
11 says, the Chesapeake Bay. On the waters of
12 Deep Creek Lake from the mouth of the Northeast
13 and Elk River to include all tributaries
14 including the Bohemia River, the CD Canal a
15 person may not operate a vessel in such a
16 matter that exceeds the noise level. Deep
17 Creek Lake is up here and then you get down to
18 Northeast and Elk, then you go to Bohemia and
19 C&D. Is it trying to say the whole Chesapeake
20 Bay or is it saying those rivers and
21 tributaries. I wasn't sure. Again, when we

1 were reading through this, I'm throwing it back
2 to you guys. If it makes perfect sense that's
3 where it's a restricted noise level, we
4 wouldn't need a change. But when I started
5 looking at these, I didn't understand, so I'm
6 throwing it back to your committee. Looks like
7 my slide is off. One of the next things is we
8 reference the Potomac River Power Company that
9 regulates the dam in our regulations. Guess
10 what, they got sold. They are now First
11 Energy. They are no longer PEPCO. Penlick.
12 So we have regulations that say Penlick can do
13 something but not the agency. So when we're
14 doing that can we address that in the
15 definition. Can we say something as simple as
16 the power company. Do we have to say the
17 specific company so if it's sold it changes. I
18 don't know. But recommendations. Next slide.
19 So this was the brochure that they ended up
20 making. And you see I modified it. I put what
21 the speed limits were. I put the minimum wake

1 next to the no tow zone. Is that what it
2 really meant. Is that a legal minimum wake
3 zone. Do you need to. So anyway, I put our
4 words on it, so my recommendation is somewhere
5 in our dictionary when we're doing this we say
6 the Potomac River they call -- in Deep Creek
7 Lake they call a minimum wake no tow. They use
8 different terminologies. Again, for the public
9 if they want to find them in COMAR they could
10 not, so maybe we need to define them so the
11 public can find them. Next slide. Bow riding.
12 We went through the whole section and created a
13 very good regulation that should have gone
14 through. It didn't. It's not our say on how
15 it's going to do. But it's come to our request
16 again from the NRP to do something, to do
17 something to either to identify what negligent
18 boating is. I did a little research on this
19 one too. In Connecticut riding -- it's not
20 standard. Like Julie said with the labels,
21 every state, every place all over the place has

1 something different. Riding on the closed bow,
2 gunnel or other areas such as the transom, seat
3 back, seats raised on deck, they have things
4 about railing, they have things about where
5 they can go, in every state. So this one is a
6 request. I have a few of them I'll go through
7 but probably just go through the pictures.
8 Sail boating.

9 THORNELL JONES: Can you go back over that
10 again. Did you say that that wasn't approved.

11 MIKE GRANT: That's correct.

12 ANNE WILLIAMS: It was not approved.

13 THORNELL JONES: That is, however, in the
14 new regulations that are printed. I'll go out
15 to the car and get them.

16 ANNE WILLIAMS: DNR regulations?

17 THORNELL JONES: Not that. The
18 regulations that they print and give to the
19 public in a little book.

20 MIKE GRANT: You mean that the NRP prints?

21 ANNE WILLIAMS: You mean sort of like Deep

1 Creek, their lake make that people translate
2 things that aren't legal into pictures. That's
3 what I'm saying is people put into those books
4 that aren't referenced in our regulations. So
5 that book is probably guiding them but it's not
6 legal.

7 RAMONA TROVATO: Who publishes the book?

8 ANNE WILLIAMS: DNR. Julie. What they
9 are doing is they are educating the public on
10 what negligent boating could be regulated as in
11 DNR. And that's what they are doing. And so
12 what we're asking for is a way to maybe put
13 that in our regulation so it is there. It's
14 not while under sail, so the people concerned
15 about sailboats. Every state that I looked at,
16 go to the next one, talked about only under
17 power. So therefore the thing about that. The
18 definition that we have right now, this is
19 what's legal right now for negligence. And
20 it's only in code, not in COMAR. And so the
21 NRP has this difficulty about the ambiguity of

1 what negligent or reckless manner. And so what
2 they have a hard time with is when it is
3 dangerous. And it's only dangerous when
4 somebody dies. That's when they are upset.

5 STEVE KLING: What I think I hear you
6 saying is that they, somewhere in the
7 department, they are now saying they would like
8 us to look at the bow riding issue.

9 MIKE GRANT: NRP has got to come to us.

10 STEVE KLING: They came to us with that
11 goofy meeting over in Easton I think.

12 MIKE GRANT: Kent Narrows.

13 STEVE KLING: And we have to do this right
14 away. And the legislation, we fiddled with
15 that and we came back with proposed regulation
16 and then we were told stop.

17 MIKE GRANT: Right. Because it was denied
18 under legislation as a law.

19 STEVE KLING: So we rolled up our sleeves
20 and did this. I think just tell us yeah, go
21 ahead, we can do this again.

1 ANNE WILLIAMS: And, again, if that's what
2 the committee recommends again, a full
3 regulation on bow riding, then we're at a place
4 we can push that up the flag pole again and we
5 might get a different review. As you guys sit
6 down you might also be able to skin the cat by
7 a different method is where we're going. You
8 might be able to just in definitions in COMAR
9 put a word on what reckless manner is and say
10 it includes riding a power boat with your feet
11 hanging in the water or whatever. But that's
12 your call and I'm just throwing ideas out to
13 you, and that you'll come back as a committee
14 and say, this is what we want and we'll put it
15 up whichever way you want. So anyway, the next
16 is just a bunch of pictures about different
17 things. Go ahead, Mike. Like I say, every
18 state had a different one. Keep going.
19 Alabama with different waters, different ways
20 to do it. I'm not going to read them all.
21 Some of the things we got into. Over crowding.

1 A lot of states have laws on how many people
2 you can do it. We don't also. They talk about
3 having a capacity plate. Nothing in our
4 regulations state that so it's not against a
5 Maryland law to do that. Keep going. Missouri
6 has different laws about negligence or reckless
7 driving different than ours. Again, keep
8 going. Got a lot of crazy pictures. Sometimes
9 the people say this just makes common sense,
10 people shouldn't do it. But there is a lot of
11 people out on the water that don't use common
12 sense. So it's not a common sense thing any
13 more, it's a safety factor we're going for.

14 MIKE SIMONSON: They have to be over the
15 gross weight ratio on that one. Holy smokes.

16 ANNE WILLIAMS: But just a bunch of
17 pictures that I found. And these are regular
18 Google search on water. People that don't
19 think about how dangerous it might be when they
20 are over weight and not -- keep going. So
21 maybe it's not common sense. That's the whole

1 gist of that section. I was going to read all
2 those states in the regulations but I didn't
3 feel like it. So my next question is who can
4 put out a buoy, a piling or a sign. You can
5 put out anything in the State of Maryland if
6 you get an Army Corps permit or U.S. Coast
7 Guard permit. So you can put out your own
8 Watch Your Wake, you can put your own speed
9 limit. Well, that's not how it should be. We
10 have now taken the stance at DNR that if you
11 don't have an Army Corps permit and you don't
12 have a U.S. Coast Guard permit and you put out
13 something in the waters, we -- and if NRP
14 complains about it we'll pull it, because we
15 have NRP officers that are complaining right
16 now people are making their own speed limit
17 signs.

18 JON SHELLER: Does that include moorings.

19 ANNE WILLIAMS: No, it doesn't include
20 moorings. I started looking. This was a race
21 buoy we found illegally placed. It was red and

1 not in the right place. The next one is one of
2 those oyster lease things that did not have a
3 COMAR thing. And the other was mooring balls
4 in a channel. So we have to think about this
5 when we start putting out what kind of
6 regulation on what you want to do. Next slide,
7 Mike. We don't want people doing this found on
8 the Choptank. This is swim area up on
9 Fairleigh. Even though it's their swim area
10 and it's great thing keeping people out of that
11 channel there, but that's a boat exclusion by
12 our regulation. Do we want everybody in the
13 state making a swimming beach without coming
14 the Boat Advisory group saying that's a boating
15 area, that's a tow boating area, that's a water
16 ski area. If all I have to do is buy a swim
17 buoy and put it out, I could cause a lot of
18 havoc out there. So we need to think about
19 this from a different perspective. Next slide.
20 We do not want to regulate crab pots. We want
21 this regulation to be about what tells an

1 boater what to do. If you're putting out a
2 buoy that's telling a boater what to do, we
3 want some type of regulation that says you come
4 to possibly before this board and ask before
5 you give them permission to do something.
6 Again, that would be under a recommendation
7 from you guys, not me. So I wrote it up.
8 Those are the four points that you guys need to
9 talk about as a subcommittee. I recommend that
10 you get legal involved, that you create a
11 meeting at some point with legal. And once you
12 get that meeting with legal set up -- next
13 slide. Once you get that meeting with legal
14 set up, you would go over statewide whether our
15 regulations need to be up in a statewide group
16 or just stay in the rivers. How do we update
17 the definitions -- how do we update the
18 definitions. Do we change some of the things
19 like the Deep Creek Lake terminology and
20 definitions or do we write them into COMAR
21 regulations. And then buoys, pilings and

1 signs, who can do them and who can place what
2 and where. So that's where I ended. Next
3 slide. Should be just questions. That's a
4 fish nobody knows what it is. Unknown fish.
5 Questions.

6 AMY CRAIG: I think we have some
7 questions. Who wants to go first on this.
8 Ramona.

9 RAMONA TROVATO: I'll go first. So I was
10 reading up on what's the purpose of the Boat
11 Act Advisory Committee, and it's to make
12 recommendations to the Secretary on proposed
13 boating regulations or requests from the
14 public. It's not about us making our own stuff
15 up and saying, hey, why don't we this Secretary
16 of DNR. I would be more comfortable with DNR
17 going through the regulations and identifying
18 inconsistencies and lack of clarity, making a
19 recommendation on how to fix it and a reason
20 why to fix it and then come talk to us.

21 AMY CRAIG: Mr. Kling.

1 STEVE KLING: I would disagree with that
2 approach. I don't think there is anything --
3 we've taken the lead in the past to say let's
4 examine our regulations for consistency and
5 let's see if we can eliminate inconsistent
6 regulations and treat -- stop treating
7 similarly situated bodies of water differently.
8 These things -- and we did that because there
9 was no other mechanism to have it done.

10 RAMONA TROVATO: I agree completely on
11 that, I just don't agree the outcome was good.

12 STEVE KLING: The outcome of that is still
13 ongoing as we come to new areas. The decision
14 then was we would not pursue wholesale changes
15 but that when a body of water came up for
16 regulation, it would then address the
17 inconsistencies or the need for change found.
18 And that's, I think, still an ongoing process.
19 This is asking the people who bring boating
20 expertise to look for consistency and
21 inconsistency. I don't see any problem with

1 it. I'm happy to participate.

2 AMY CRAIG: Other thoughts and comments.

3 Mr. Pepe.

4 JOHN PEPE: I agree with Steve in theory
5 because that's what we do, we're supposed to
6 review the regulations from time to time, make
7 sure they are consistent and not too convoluted
8 for the public to understand. But as Ramona
9 said, I think at least a referendum from DNR
10 asking us to do this other than us going back
11 and trying to rewrite legislation that's in
12 place. It would be nice to know what direction
13 they would like us to head with these rule
14 changes and reviews.

15 ANNE WILLIAMS: I guess my only question
16 is who in DNR. I'm DNR. I ask you? So who in
17 DNR do you want this request to come from.

18 JOE HELLNER: You.

19 ANNE WILLIAMS: I did.

20 AMY CRAIG: Right. Whoever we report to.

21 ANNE WILLIAMS: That's not me. You don't

1 report to me.

2 AMY CRAIG: Right. Somebody needs to give
3 us the authority to do this. Because
4 personally being at the end of that stick that
5 was brought up during the legislative session,
6 where we were accused of over stepping, over
7 reaching and, you know, just barreling through
8 things without referring to the public, I would
9 like some cover on this issue personally.

10 ROBIN ALLISON: The Secretary.

11 AMY CRAIG: The Secretary would be
12 fabulous. Under Secretary.

13 MIKE GRANT: It's going to have to be
14 Assistant Secretary because Dave Blazer is
15 retiring. So he won't have the director's
16 back. We will go to Mr. Anderson.

17 JOE HELLNER: Do you do it before he
18 retires.

19 MIKE GRANT: He's not paying attention.

20 JOE HELLNER: Just get him to sign.

21 AMY CRAIG: I think if we can have some

1 official guidance on what we're tasked to do,
2 then we'll create a subcommittee to move
3 forward on that.

4 MIKE GRANT: We'll have internal
5 discussions and get back to you.

6 AMY CRAIG: Internal discussions moving
7 forward. Thanks, Anne.

8 ANNE WILLIAMS: One last thing. Because
9 of that, the radio station, if you want to do a
10 minimum wake zone, there is a phone number down
11 here, (410)974-1710. They will give you a
12 minimum wake sign and you can close off the
13 river just by calling. So it's not a joke when
14 NRP says they are having problems with it.
15 It's all over where people want to make their
16 own no boating, no fishing, no swimming, no
17 wake zone. Okay.

18 AMY CRAIG: Thank you. And I'm sure that
19 was a lot of hard work and we really appreciate
20 you going through and finding those.

21 JON SHELLER: I would just like to say she

1 brought up a great point in that if the
2 citizens can not understand the regulations,
3 even someone who works at DNR doesn't
4 understand implicitly the regulation, then we
5 have a problem. And she has done such a great
6 job on the map, the app, all this stuff. And
7 trying to read the regulation on the app, when
8 you try to read it on the laptop even, is
9 very -- to find the information, I'm going up
10 the creek, what do I do now. So I think you've
11 done a great job and I think she brings a very
12 important point up is that there is a lot of
13 regulation on a lot of different creeks and
14 bodies of water. And it's been -- even what's
15 there is -- even when it's correct, it's still
16 complicated. So I'm saying that it's
17 worthwhile getting it right and getting the
18 definitions to co-align.

19 ROBIN ALLISON: Yeah, just looking at the
20 beginning of it it says do we move or modify
21 designated rowing. Is it a row boat, is it a

1 kayak, is it a canoe. What are you rowing,
2 what are you paddling. So there's lots of
3 questions that have more answers I think than
4 questions.

5 ANNE WILLIAMS: Just on that one point.
6 That's that regulation the designated rowing
7 section for College Creek. So it's that one
8 but because designated, whatever they call that
9 type of rowing, skull rowing, is all over, is
10 the only thing that we only talk about ever
11 being able to do it in College Creek.

12 MIKE GRANT: The other issue is on the
13 Chester River at Washington College, they built
14 a phenomenal rowing center. And they are going
15 to want to do the same thing. And probably
16 should.

17 ANNE WILLIAMS: And they are. It's just
18 they can't create speed limits, they have to
19 wear life jackets. They have to follow all the
20 rules if they are not in a designated row area.
21 So that's why -- and the discussion is about

1 moving the ski sections altogether and trying
2 to resolve it. We only have one that's a
3 designated row area and that's College Creek.
4 So it's where it resides in COMAR. So if it
5 only resides in some river, those rules that
6 you're allowed to do that only apply to College
7 Creek and Severn River. So that's the whole
8 thing, can you do that somewhere else.

9 AMY CRAIG: Mr. Kling.

10 STEVE KLING: And this is why I think this
11 is something that we can do because you can
12 define -- you can define the bodies of water.
13 And there was a request for a speed limit over
14 near Washington College, which we denied in
15 part because it would have impacted the ability
16 of the rowing team. But we could define the
17 activity rather than the space and say that
18 when you have -- and Robin, there are
19 definitions of boats involved exclusively for
20 competition. We could define that activity
21 when accompanied by a coach boat, which could

1 also be a defined term. I'm just thinking out
2 loud and saying that activity would be okay in
3 terms of speed limits and in terms of PFD's.
4 That activity can be given the definition.
5 That's one way to approach it rather than
6 trying to define the College Creeks.

7 AMY CRAIG: I think Anne brought up a very
8 good point to us in that there are plenty of
9 issues in the regulations that need better
10 definition and structure and that sort of
11 thing. I think, and I'm stepping over here,
12 Ramona and I both feel that we just want a
13 charge to do that. We want somebody else to
14 say that you are authorized to make these
15 moves, because we --

16 MIKE GRANT: We got that.

17 AMY CRAIG: We suffered the wrath. I was
18 called a lot of things.

19 THORNELL JONES: I think everybody on this
20 committee -- I think everybody on this
21 committee ought to know how much time Amy put

1 in trying to keep this committee's operations
2 separate from the legislature. And that hasn't
3 been part of why she thinks this way. It's
4 really important for us to recognize it,
5 there's a real reason for her to say this.

6 AMY CRAIG: So moving on it from there.
7 What's up. Old news. Sorry, old business.

8 MIKE GRANT: If I'm not mistaken, Amy used
9 the revised meeting protocol draft document or
10 something real similar to it for opening the
11 meeting and explaining our process to the
12 people in the audience. I encourage you to
13 look through that, get back to me with any
14 changes you think. I mean I changed the times,
15 which we discussed at the January meeting,
16 giving people more time, making sure they give
17 a thumb drive to Mike or before we start the
18 meeting. All that stuff should be in there.
19 The second one is for the web site. So when --
20 we're going to add to how you request a
21 regulation. This is what happens when you come

1 to a meeting. Be prepared to act this way or
2 deliver this way. And there will also be a
3 letter sent out to the lead petitioner to share
4 with the other people on the petition so when
5 they come to a meeting they are taking -- they
6 are -- they are not surprised. In other words
7 Steve brought up something. We're not going to
8 address shoreline erosion unless it's in the
9 petition. So don't bring it up in the middle
10 of the meeting. If that's the issue, put it in
11 the petition. I think I did my best to explain
12 it, but it's best to have it out there.

13 AMY CRAIG: Any questions or comments on
14 that. Yes.

15 JOE HELLNER: Yes. Follow up to what you
16 just said, Mike. The suggestion I had is
17 something about making sure that they come with
18 their facts and their objective evidence. What
19 we see on like this last issue with Maynadier
20 Creek and some of the testimony we see is there
21 is a lot of misperception or frustration by

1 those who come to this committee and feel they
2 weren't heard or they weren't treated fairly.
3 And I think prepping them up front, a la what
4 you just said, giving them some instructions
5 and clarity, that simply being passionate, and
6 this is true -- if we were a bunch of
7 legislatures sitting up here it's the same
8 thing, they hear from people. Simply being
9 passionate about a topic, we respect that and
10 we get your feelings. But in order to get a
11 regulation changed, you have -- the committee
12 is constrained to act by the preponderance of
13 the evidence in the best interest of all the
14 waterway users. I think that -- they have to
15 understand that the issue you're bringing
16 really matters to you and it does affect you.
17 But -- and somebody earlier on in this
18 committee said it, I forgot, I don't know if it
19 was Steve or which one said it, but when the
20 committee makes a recommendation to the
21 Secretary to restrict something, we are taking

1 away from some other user that wanted to use
2 the water a certain way and can no longer do
3 that. So it's very important for the
4 petitioners to understand when you come before
5 us and ask for some kind of restriction, like
6 we had before us, the speed limit on Middle
7 River, if we were to agree to that, there is a
8 balance we have to achieve. I think somehow in
9 the language that you're talking about, Mike,
10 in terms of explaining a -- documents that
11 explain to petitioners, my suggestion is make
12 sure they understand the role and the burden we
13 carry. It's not personal if they come before
14 us and we say we don't really recommend that.
15 They will understand we're balancing their
16 neighbors issues and all the waterway users as
17 well as their own.

18 MIKE GRANT: Thank you.

19 STEVE KLING: Two things. One, the
20 position we took a while ago, several, a bunch
21 of years ago, was not just erosion but if they

1 didn't address anything, particularly
2 environmental issues, in their petition, we
3 weren't going to let them talk about it because
4 people would show up having said this issue
5 and --

6 MIKE GRANT: And quite often it's the lead
7 petitioner's fault for selling something to
8 someone and then delivering something else.
9 That happened on South River last year.

10 STEVE KLING: It did. And just to follow
11 up on Joe's point. I don't think it's Mike's
12 job to tell them, I think it's our job to tell
13 them.

14 MIKE GRANT: That's why I pass that out.
15 And we'll get it posted to the site.

16 RAMONA TROVATO: I think it's a really
17 good start. I gave some edits to Amy. I think
18 all we need to do is say everybody get your
19 edits in to who by when and move on. To Mike
20 by when.

21 JOE HELLNER: Who said Mike. Who do we --

1 who gets this to collate it, our comments.

2 MIKE GRANT: You can send it individually.

3 JOE HELLNER: To you.

4 MIKE GRANT: Yeah. I can multitask.

5 JOE HELLNER: Great. Yup. I think that

6 answers my question. Thank you.

7 AMY CRAIG: I think Mike and I will

8 coordinate into boiling it down and getting it

9 back to everybody for further comments.

10 Mr. Sheller.

11 JON SHELLER: I like what we have worked

12 on so far. I like the proposals. And I wanted

13 to go a little bit further looking at it from

14 the other side of the table, is we get a lot of

15 speed limit restrictions and we get a lot of

16 shoreline erosion requests related to that. I

17 don't know that we have it or don't have it,

18 but in addition to what we have for getting

19 this stuff here, if we had a template, if we

20 had a checklist that says, okay, this is what

21 the -- the petitioner is asking for, is a speed

1 limit restriction. Then we have, based on
2 our -- our purview, these are the issues we are
3 going to address on your petition. And we have
4 a checklist that we have to go down and we have
5 to make an answer for each one of those things.

6 MIKE GRANT: We have that. I'm sorry if
7 that has not been shared with you, but that was
8 created back --

9 JON SHELLER: I have the two page thing --

10 MIKE GRANT: This is a one pager. There
11 is six --

12 JON SHELLER: I'm saying we record that
13 here at the meeting as part of the minutes
14 that, okay, we have addressed the shoreline
15 erosion, it's not created by wakes. We checked
16 that off. Then when you get to the end of
17 that, you make -- if we make our decision, then
18 we have -- we've gone -- we have addressed all
19 these issues and the consensus of the committee
20 is that we are rejecting it or accepting it; or
21 rejecting it for this reason, not because it's

1 not doing this or not because it's doing that
2 but because we have this overriding situation
3 that you're restricting the waters from
4 somebody else. Whatever. But that way the
5 committee has decided it's gone over
6 everything, it's recorded it's gone over
7 everything, and it has decided what is the
8 prevailing condition. So that is --

9 AMY CRAIG: It's backup.

10 MIKE GRANT: I'll send that document to
11 you all, everybody. So if it's not what you're
12 talking about, that's fine.

13 JON SHELLER: That's fine. I'm on a
14 couple of consensus committee and essentially
15 what this is. And if you say no to somebody,
16 you need to say why I said no and I said no for
17 this reason and I didn't say no for that
18 reason. Because they are going to call --
19 going to call you anyway when you reject it.

20 AMY CRAIG: Any other discussion,
21 comments. Okay. New business. Please. No,

1 please.

2 STEVE KLING: It's information that may or
3 may not be new business. Four years ago,
4 almost to the month, there was an annual
5 sailboat race in Mobile Bay, big boats,
6 captains, fleet. And a very bad storm came
7 through, a number of people drowned, eight I
8 believe it was. Number of boats were sunk.
9 And a big human cry. Understandably. The
10 Coast Guard undertook an investigation, and
11 four years later, two weeks ago, three weeks
12 ago, they came out with their report, which is
13 pretty sweeping and may lead to -- we're
14 still -- the sailing community is still trying
15 to sort it out because it indicates U.S.
16 Sailing -- it's not clear if U.S. Sailing has
17 agreed or almost directing U.S. Sailing to do
18 things with the sailing rules, which is another
19 problem because there are international rules,
20 not U.S. rules. But it largely -- in several
21 racing communities, a fundamental rule is

1 you're responsible for your own safety, it's
2 your decision whether to leave the dock or
3 race. They basically kind of put that out and
4 put a lot more responsibility on organizers and
5 race committees. And there is already, perhaps
6 in anticipation of this, we're already seeing a
7 fair amount more Coast Guard involvement with
8 regatta organizers and the regattas have some
9 consequence. So it may be there are going to
10 be new issues coming to us to deal with some of
11 these safety issues with respect to sailboat
12 racing. If anybody is interested, it's a 30
13 page report. It's a very comprehensive and
14 chilling report in some respects, but it may or
15 not bring work for us.

16 AMY CRAIG: Any other new business.

17 MIKE GRANT: Couple things. And I would
18 be very remiss if I didn't recognize Joe,
19 Thornell, Ramona and especially Amy for the
20 work that they did over the legislative session
21 for SB 93. It was grueling. I mean grueling.

1 It was nonstop. These folks spent time
2 downtown banging on doors, in Senate hearings.
3 The first one came through, we were first on
4 the docket, they didn't hear it until last. I
5 means that's what you have to do, you're there
6 from 10:00 o'clock in the morning until 6:00 at
7 night. It's ridiculous. And everything was
8 done so professionally and so above board. And
9 everything on the other side not so much. And
10 while it has not been decided yet, I think what
11 you did was a win for us, the Boat Act people,
12 and the Department of Natural Resources. So
13 give yourselves a hand and really thank you
14 very much. It was a pleasure.

15 AMY CRAIG: Thank you, Mike.

16 MIKE GRANT: And last but not least, this
17 is my last Boat Act meeting. I'll be retiring
18 effective July 1st. I have thoroughly enjoyed
19 this. All kidding aside, I really have. Great
20 group of people. You know what you're doing.
21 You do this out of your heart. This is not

1 something you say, oh, God, it's a lunch
2 meeting. You come and you do it right and do
3 it well. If the people downtown knew what you
4 did on a regular basis and how much thought you
5 put into this stuff, it's amazing. They don't,
6 and that's their loss. So much for keeping a
7 secret. Anyway, thank you. Of course my
8 advocates over here, this -- I don't think you
9 realize how much they make me look good. These
10 guys.

11 AMY CRAIG: No, we do. And Jeannine has
12 got you.

13 MIKE GRANT: Jeannine is not here. Bless
14 her, she keeps me trait. Thank you. It's been
15 great. Looking forward to retirement but
16 it's...

17 JOE HELLNER: Staying in the area, Mike.

18 MIKE GRANT: I'm not telling. We're going
19 to spend some time on the boat if the engine
20 ever gets in. And grandchildren. We got some
21 rental properties to pay more attention to and

1 maybe do some traveling.

2 COLES MARSH: Did you get the name of your
3 replacement.

4 MIKE GRANT: Mr. Simonson. And I'm sorry,
5 I wasn't going out without mentioning that. He
6 begged for this job.

7 AMY CRAIG: Will you be joining the Boat
8 Act Advisory Committee. I thought that was the
9 next step. Well, the Boat Act Advisory
10 Committee members would like to present you
11 with a token of our appreciation. And we
12 appreciate your 11 years -- no, wait, seven.

13 MIKE GRANT: About ten.

14 AMY CRAIG: Ten. With us.

15 MIKE GRANT: Yeah, about ten.

16 AMY CRAIG: Ten years with us. Appreciate
17 all your work. And the hard shoes you filled
18 very well. I deserve no credit for this by the
19 way.

20 MIKE GRANT: And it has my name. So I can
21 wear it around my neck. Wow. That's

1 phenomenal.

2 AMY CRAIG: We expect you to serve us.

3 MIKE GRANT: Boat Act Advisory Committee,
4 2011 to 2019. That's perfect. Thank you
5 again.

6 AMY CRAIG: Any other business. Do I have
7 a motion to adjourn.

8 ATTORNEY 2:

9 STEVE KLING: We have to set the next
10 meeting.

11 AMY CRAIG: That's right, next meeting.
12 Mike, are you able to send a doodle.

13 MIKE GRANT: A what.

14 AMY CRAIG: Can you send a doodle about
15 our next meeting.

16 MIKE GRANT: Yeah. Depending on how SB 93
17 goes, we have to consider do you have to jump
18 on it and hold a public meeting. Because now
19 that the petition that was standing was from
20 the ski club, not from the folks in the
21 community, so they now have first choice, first

1 call on the next regulation if it changes to
2 the regulation. So if you want to jump on that
3 and try to get it in quickly, I don't know how
4 quickly you can do that, it's summer now. Or
5 wait until fall and use the study period and
6 address it in the fall meeting. If it doesn't
7 go through, nothing changes this summer.
8 Everything is status quo as it is currently.
9 If it goes through June 1st, goes to the new...

10 JOE HELLNER: Having been through the
11 ringer on this, our current -- several folks
12 incredibly that while the facts say one thing,
13 and we get reality is one group, has to
14 compromise with the other, and I think the ski
15 group clearly saw that in the interest of let's
16 get along with our neighbors, recognizing that
17 you guys don't like us, our ski course because
18 it's there. Basically to remain credible in
19 this we should act expeditiously on this and I
20 think respect the skier or ski club what they
21 said in testimony as far as, yeah, let's meet

1 our neighbors, the home owners, our fellow
2 citizens, the home owners on Maynadier Creek
3 halfway and see if we can't come to a consensus
4 resolution where everybody walks away saying,
5 okay, I was fairly heard and I feel it's not
6 exactly what I want but I can live with it,
7 which is the definition of consensus. By that
8 argument I would offer that we should in fact
9 act expeditiously on it and not go back to,
10 well, too bad, the Governor didn't sign,
11 therefore let's just leave the regulations
12 alone.

13 MIKE GRANT: I'm not suggesting that at
14 all.

15 JOE HELLNER: No, I'm not trying to sound
16 flippant about it. I'm just saying that just
17 gives ammunition for those that would challenge
18 the community to say, see, you don't listen to
19 anybody but certain folks, which I think is
20 patently untrue. So I think you have to honest
21 the skiers, at least, integrity in their

1 discussion where they said, yes, we would like
2 to meet our fellow citizens halfway, here's
3 what worked for us. We don't need all the
4 hours DNR said we need, we need this and if
5 we can just work with the home owners. I think
6 following up on this expeditiously is in the
7 spirit of that side. What the other side does,
8 that's -- their action in common speak for
9 themselves. But we should take the high road.

10 THORNELL JONES: I would like to say the
11 compromise was between a small group of skiers
12 as opposed to skiers from all over the state.
13 There are only three ski areas, courses,
14 regulated courses in the whole state. So that
15 small group of skiers does not represent all
16 the skiers.

17 AMY CRAIG: My two cents on this. Is that
18 we do need to do something because that was the
19 reason that the -- many of the legislatures
20 felt that they should vote for this, was that
21 we just didn't do our duty when they continued

1 to bring this up and it was their understanding
2 that we were going to review it and that we
3 didn't. So we need to do something. But I
4 guess we're in a holding pattern at this point.

5 MIKE GRANT: Yeah. Like I said earlier,
6 it didn't make it to the signing process today.
7 Next one is May 11th and then two weeks after
8 that or something. Just keep an eye on it and
9 see what happens. You can let it go through
10 without signing it and it will become law, or
11 he can make a stand --

12 AMY CRAIG: So we're in the wait and see.

13 MIKE GRANT: We are. If I hear anything,
14 I will --

15 AMY CRAIG: Pass it along. Thank you very
16 much. Appreciated.

17 JOE HELLNER: Is a motion appropriate
18 then. My motion would be that if the Governor
19 vetoes SB 93 that we do in fact schedule a
20 meeting to hear the skier's petition. Did I
21 word that right, Madam Chairman.

1 AMY CRAIG: Where do we stand with that
2 petition.

3 MIKE GRANT: Last I heard, it wasn't
4 rejected because it wasn't heard. It's
5 still --

6 AMY CRAIG: Alive.

7 MIKE GRANT: Still alive. And it was
8 pending the outcome of SB 93. Wouldn't you
9 agree, Steve.

10 AMY CRAIG: Is there a second to the
11 motion that we should.

12 MIKE GRANT: So the motion is to
13 expeditiously move on hearing the petition from
14 the ski club to revise the current hours of
15 operation of the Maynadier Creek ski course.

16 RAMONA TROVATO: If.

17 MIKE GRANT: If SB 93 --

18 RAMONA TROVATO: Is vetoed.

19 MIKE GRANT: And stays done. Even if the
20 Governor vetoes it, the Senate can vote to
21 override.

1 RAMONA TROVATO: And stays. There
2 aren't --

3 JOE HELLNER: Not in the House of
4 Delegates.

5 MIKE GRANT: The House was 87 to 54. The
6 Senate was unanimous I think.

7 JOE HELLNER: Right. Do we know if the
8 Senate has a voice on this. The House does
9 not.

10 MIKE GRANT: It can be over ridden.

11 STEVE KLING: Both Houses have to vote to
12 override.

13 ANNE WILLIAMS: I guess the question is if
14 it's vetoed, should you have a meeting. If
15 they override it, the meeting would be null.
16 So should probably just keep it as a veto and
17 not on the other if then statements. And do
18 something quickly. And if they do something
19 also, it would not be a lost cause.

20 STEVE KLING: I don't think we need a
21 resolution on this. I think there is a

1 consensus. But if there is a veto, the
2 override doesn't happen until January. If
3 we're being responsible, that could mitigate
4 against an attempt to override.

5 AMY CRAIG: So is it the feeling of the
6 committee that if there is a veto of SB 93 that
7 we will move expeditiously to review the hours
8 of the Maynadier Creek ski area.

9 RAMONA TROVATO: Based on the petition by
10 the water skiers.

11 MIKE GRANT: You will hold a public
12 meeting inviting both sides to come.

13 STEVE KLING: And we need to do that
14 before July 1st.

15 AMY CRAIG: Before -- we don't want you to
16 miss out.

17 MIKE GRANT: Please didn't recognize them.

18 AMY CRAIG: Absolutely. As soon as
19 possible. So given that information, our next
20 meeting date we will kind of fly on the holding
21 pattern.

1 MIKE GRANT: If it's just going to be a
2 regular meeting, August, over in KIYC. You
3 guys have something in mind, haven't you.

4 RAMONA TROVATO: Yes.

5 MIKE GRANT: I'm looking at two Eastern
6 Shore representatives.

7 RUSS DWYER: What do you mean.

8 MIKE GRANT: We'll share it with Mike.
9 That's it.

10 AMY CRAIG: Okay. Do I have a -- shall we
11 adjourn. Anybody.

12 STEVE KLING: Move to adjourn.

13 JOE HELLNER: Second.

14 AMY CRAIG: Thank you. All those --
15 adjourned.

16 (Meeting concluded at 2:01 p.m.)

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STATE OF MARYLAND

I, David Corbin, a Notary Public in and for the State of Maryland, do hereby certify that the within named, BOAT ACT ADVISORY COMMITTEE MEETING, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

I further certify that the meeting was recorded stenographically by me and then transcribed from my stenographic notes to the within printed matter by means of computer-assisted transcription in a true and accurate manner.

I further certify that the stipulations contained herein were entered into by counsel in my presence.

I further certify that I am not of counsel to any of the parties, not an employee of counsel, nor related to any of the parties, nor in any way interested in the outcome of this action.

AS WITNESS my hand this 16th day of May, 2019.



David C. Corbin
Notary Public

My Commission Expires: November 19, 2019

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| 04 129:6 131:14 131:18 132:11,11 134:8 136:2,3 07 30:9 31:17 | 2 121:15 170:8 20 39:13 74:16 75:1 86:6 200 6:5 2006 36:12 2007 32:3 2011 170:4 2012 69:1 2017 87:5,18 95:1 2018 87:6 2019 1:7 7:10 170:4 179:14,20 2023 8:4 21 121:8 230,000 39:12 41:17,20 250 41:19 68:1 112:7 250,000 86:10 29 60:2 2:01 178:16 | 50 43:1 45:13 55:10 63:14 90:3 112:8 500 86:19 54 176:5 55 95:3 56 36:18 | aboard 3:6 85:1 absolutely 64:18 89:11 119:15 122:13 177:18 abusive 26:20 accent 49:9 acceptable 75:3,7 accepting 63:9 65:5 163:20 access 3:12 9:15 13:14 15:3 40:9 62:4 68:21 136:18 accessible 9:20 13:20 accessing 78:21 accident 110:19 accommodate 3:19 accompanied 155:21 accomplish 39:20 accountable 39:4 accredited 6:4 accretion 36:9 46:5 53:15 55:12 accurate 179:8 accused 151:6 achieve 160:8 acre 86:11 acres 85:21 86:6 86:14 act 1:1 2:3,5 3:1,2 7:8 30:9 60:3 129:4 130:18 148:11 158:1 159:12 167:11,17 169:8,9 170:3 171:19 172:9 179:3 action 129:17 173:8 179:13 actively 27:14 48:9 64:5 |
| 1 | 3 | 6 | |
| 100 88:19,20 89:6 100,000 90:3 108 101:15,16,17 10:00 1:7 167:6 11 15:5,12 169:12 11,000 90:1 11a 15:5,12 11th 174:7 12 70:7 120 48:14 88:16 127:5 126 54:9 13 9:4 131 14:18 15 10:12,14,19 11:4,9 12:5,20 88:21 150 63:16,20 67:20 16 35:19,20 16th 179:14 17 25:12,14 135:8 135:12 17th 99:12 18 56:6 129:8 131:18 132:12,12 136:2 1800's 38:13 45:12 55:6 18021 179:16 1841 45:16 1860 55:13 1861 45:16 18th 99:19 19 179:20 1st 98:18 167:18 171:9 177:14 | 3.5 123:12 30 1:7 5:20 55:19 75:20,21 79:16 166:12 300 70:11 30th 2:4 31st 8:4 35 9:6,21 12:19 24:14 36 24:8,16 | 6 6 87:14 6,000 52:20,20 60 43:1 48:13 88:12 112:8 60,000 87:10 95:4 6:00 167:6 | |
| | 4 | 7 | |
| | 40 4:14 410 152:11 429 85:14 86:13 442 85:21 4500 53:4 48 66:7 | 7,000 35:18 53:3 86:14 70's 34:6 75,000 87:5 | |
| | | 8 | |
| | | 8 102:12 112:1 80 85:16 101:12 85 37:18 86 36:16 87 36:16 85:20 176:5 | |
| | | 9 | |
| | | 90 48:13 93 166:21 170:16 174:19 175:8,17 177:6 974-1710 152:11 | |
| | | a | |
| | | a.m. 1:7 ability 68:8 87:4 155:15 able 67:10 80:1 116:15 143:6,8 154:11 170:12 | |

| | | | |
|---|---|---|---|
| activities 45:11 61:5 64:20 69:12 85:21 activity 18:12 19:4 73:7 84:15 85:18 86:12 107:13 155:17,20 156:2,4 acts 23:1 126:8 actual 9:8 47:10 add 115:13 157:20 added 11:6,9 12:5 13:9 16:21 94:11 135:21 136:2 addition 80:1 162:18 address 2:12 16:10 33:15 130:11,14 132:18 138:14 149:16 158:8 161:1 163:3 171:6 addressed 163:14 163:18 adds 94:6 adjacent 75:15 77:10 adjourn 170:7 178:11,12 adjourned 97:13 178:15 adjudication 78:1 administrative 78:2,5,9 adult 95:20 105:19 adverse 64:8 advertise 73:16 75:9,9 92:21 93:12 advertised 23:18 advertisement 75:19 advertising 93:7 | advisory 1:1 2:3,6 3:1,2 7:8 60:3 130:18 146:14 148:11 169:8,9 170:3 179:3 advocates 168:8 aerial 21:4 62:15 73:20 affect 159:16 afternoon 98:5 age 121:8 agencies 71:16 113:6 agency 138:13 agenda 2:14 aggressive 83:4 ago 39:7 43:2 45:13 55:19 58:10 80:14 90:16 103:15 129:13 133:5 160:20,21 165:3,11,12 agree 149:10,11 150:4 160:7 175:9 agreed 30:9 31:21 165:17 agreement 66:4 ah 118:2 ahead 137:8 142:21 143:17 aid 68:4,8 aids 67:19 68:1 81:5 air 118:12,16 119:5 125:20,21 airlines 118:3 airplanes 115:11 alabama 143:19 alcohol 120:7 aler 131:11 132:9 134:16 align 153:18 alive 40:14 175:6 175:7 | allison 5:8,8 56:12 119:13,18 128:2 151:10 153:19 allow 15:20 64:19 79:18 80:14 133:14 allowed 16:5 155:6 allowing 13:14 98:4 124:7 allows 64:7 altogether 155:1 amazing 43:2 49:7 51:11 168:5 ambiguity 141:21 ammunition 172:17 amount 101:17 166:7 amy 2:2,4 4:4 5:4 5:4 6:7 7:4,9,13 8:10 9:1 12:20 13:4 19:14 20:21 22:2,15 23:6 24:4 25:3 26:7 27:2,9 27:17 29:5 30:7 31:12 33:2,18 52:8,18 53:12 54:18 56:11 57:18 59:13,16 94:17 97:7,13,15,20 116:16 124:14 129:2 148:6,21 150:2,20 151:2,11 151:21 152:6,18 155:9 156:7,17,21 157:6,8 158:13 161:17 162:7 164:9,20 166:16 166:19 167:15 168:11 169:7,14 169:16 170:2,6,11 170:14 173:17 174:12,15 175:1,6 | 175:10 177:5,15 177:18 178:10,14 anderson 151:16 angel 110:20 112:14 annamessex 14:16 annapolis 1:10,10 4:16 34:12 anne 5:18 6:21,21 11:3,8,18,20 12:3 12:5,7,10 14:2,5,9 14:12 20:6,10 23:15 26:2 30:18 31:1,8 32:17 72:10 81:7 97:19 100:18 129:3,4 131:6,17 140:12 140:16,21 141:8 143:1 144:16 145:19 150:15,19 150:21 152:7,8 154:5,17 156:7 176:13 anne's 136:20 annemessex 2:10 19:8 announcements 100:2,3 annual 165:4 answer 130:19,21 163:5 answers 154:3 162:6 anticipation 166:6 anybody 8:10 23:18 36:7 42:10 56:18 59:13 60:21 60:21 106:5 108:2 114:11 115:3 121:9 122:3 133:8 166:12 172:19 178:11 anyway 45:21 49:11,18 120:2 |
|---|---|---|---|

| | | | |
|---|--|--|---|
| <p>124:6 139:3 143:15 164:19 168:7 apologize 78:15 app 153:6,7 appealed 78:10 appearance 62:13 appeared 179:3 applicant 71:10 75:6 76:14 79:13 92:5 applicants 65:8,10 66:17 68:15 73:20 application 64:7 64:12 65:3,9,12 70:7,7,9,11 71:2 71:11,13,21 73:10 93:4,14,20 94:1,7 94:8,13 applications 60:10 60:11 63:10 65:6 65:14 71:9,20 72:12 88:11,13,17 88:21 93:18 94:3 applied 73:5 91:15 apply 29:17 70:13 155:6 appreciate 55:7 59:17 60:1 98:6 124:7 152:19 169:12,16 appreciated 174:16 appreciation 169:11 approach 22:6 149:2 156:5 approached 28:14 approaches 35:10 35:14 appropriate 70:21 93:11 132:11,12 174:17</p> | <p>approval 104:8 107:15 approvals 60:15 approve 88:14 approved 32:13 80:12 91:18 104:9 104:11,13,18,21 105:20 106:6 115:14 121:6,21 140:10,12 approves 79:11 approving 60:11 approximate 28:17 april 1:7 2:4 aquaculture 6:16 33:14 59:17,20 60:7,10,18 61:9 61:12 62:3 63:7 68:21 71:14,18 78:19 80:3 85:19 86:16 89:2 aquatic 67:6 72:13 89:7 91:10 area 4:16 9:11,19 9:21 10:1,7,17 11:6,10,15,15 13:9 14:8 15:2,4,7 17:4 18:21 22:4 24:13,15 67:11,11 67:16 68:13,16 69:6,15 72:4 73:6 73:8,13 77:15 79:11 82:9 90:6 90:16,18 91:5,6 92:3 129:21 130:1 133:3,7,16 134:12 146:8,9,15,15,16 154:20 155:3 168:17 177:8 areas 2:8 9:9,10 62:2 63:18,19 66:18 67:18 69:9 69:16,18 72:14,18</p> | <p>73:3 89:16 90:4 132:4,5 133:14 140:2 149:13 173:13 argument 172:8 arms 125:16 army 65:5 66:6 70:8 81:13 145:6 145:11 article 63:3 124:17 125:5 artificial 75:1 arundel 5:18 aside 167:19 asked 25:2 28:15 29:8 34:14 48:5 101:20 136:20 asking 12:18 27:4 37:21 141:12 149:19 150:10 162:21 aspect 58:21 59:1 assembly 8:2 assistance 34:8,8 assistant 151:14 assisted 179:7 associated 66:3 72:3,11,17,21 77:17 86:13 assume 103:17 assumed 41:21 atlantic 53:10 atlas 43:17 attempt 177:4 attention 151:19 168:21 attorney 90:2 170:8 attorneys 90:1 audience 157:12 august 178:2 authority 63:3,8 64:9 151:3</p> | <p>authorization 84:7 authorizations 81:6 authorized 78:18 80:8 86:20 156:14 automatic 112:12 112:13,16 auxiliary 5:2 availability 95:16 available 2:15 43:1 96:2,3 average 37:1,16 48:6 86:2,6,9 88:13 avoid 66:19 avoided 69:19 avon 2:11 27:19 27:21 aware 3:12 18:6 46:13 82:4,19 awareness 99:3 awesome 128:7</p> <p style="text-align: center;">b</p> <p>baac 3:3,10,11,15 3:18 back 11:11,14 12:19,20 14:4 17:6 21:5 27:8 29:11 30:21 34:6 35:8,16 36:11 38:7,12 39:13 40:13 43:1,4 45:11 46:12,15 47:4 48:15 49:6 49:12 55:12 59:3 64:1 72:1 85:11 87:4,18 88:20,21 94:10 95:15 98:2 117:2 118:8,10,11 119:6,18 121:12 129:5 135:16 136:8 138:1,6 140:3,9 142:15</p> |
|---|--|--|---|

| | | | |
|--|--|--|--|
| 143:13 150:10 151:16 152:5 157:13 162:9 163:8 172:9 backgrounds 40:18 backup 164:9 bad 57:5 96:20 165:6 172:10 bag 128:8 bags 62:8 83:18 83:20 balance 46:9 160:8 balancing 160:15 ball 128:15 balls 146:3 bamboo 82:11,14 banging 167:2 bank 42:15,16 47:15 bar 2:20 56:17 61:10 62:13 88:9 96:15 bargain 50:8 barreling 151:7 bars 74:21 base 121:15 based 10:15,21 38:16,19 42:19 46:20 49:20 64:7 67:15 76:20 78:7 78:15 104:20 163:1 177:9 baseline 45:15 46:3 basic 47:8 48:21 71:6 101:21 basically 26:19 34:15 46:1,5 47:11,20 51:1 52:6 55:1 56:1 166:3 171:18 | basis 26:16 70:16 168:4 bass 33:11 68:11 bat 40:2 41:2 bay 3:17 4:21 5:20 36:4,15 37:20 45:3 53:11 57:13 137:11,20 165:5 bays 57:14 beach 40:9,10 128:6,15 146:13 beat 37:12 beautiful 38:5 bed 15:21 begged 169:6 beginning 24:12 153:20 behalf 73:19 behaved 47:19 believe 9:4 120:5 165:8 belong 15:15 belt 111:2 beneficial 69:2 benefit 99:15 115:3 benefits 3:13 berms 52:5 best 41:1 42:19 43:12 65:14 82:2 108:6 111:11 114:2 123:19 124:1,4 135:19 158:11,12 159:13 better 10:5 40:3 82:15 102:14 105:7 106:20 107:4,10 127:3,9 156:9 beyond 17:18 78:11 bhaskar 6:9,9 33:20,21 34:2 52:13 53:1,8,13 | 54:5,8,14 56:20 58:9 59:12,15 bias 50:2 biased 51:1 big 11:20 14:5 29:12,12 73:3 128:2 129:15 165:5,9 bigger 86:3 107:4 biggest 44:21 45:2 biggy 99:14 bill 8:6 33:4 biological 125:14 126:2 birds 73:20 bit 27:8 38:9 48:4 48:12 70:17 83:16 89:4 95:13 100:16 101:3 102:5 104:16 111:15 112:2,10 122:14 129:9,19 130:5,5 130:9 131:1 162:13 blazer 101:19 151:14 bless 168:13 blind 50:3 blindsided 17:8 blow 98:3 114:13 blowing 91:3 blue 69:16 board 5:6 71:15 71:15 72:1,1 120:1 121:17 123:5,17 130:18 147:4 167:8 boards 15:21 16:2 16:5,17 17:13 122:18 boat 1:1 2:3,5 3:1 3:2,7 6:20 7:8 18:11,14 22:21 23:1 24:20 29:9 | 29:15 30:9 32:5 58:5 59:5 60:3 62:18 108:15 110:16 112:20 116:9 121:8,12 122:11 130:18 143:10 146:11,14 148:10 153:21 155:21 167:11,17 168:19 169:7,9 170:3 179:3 boated 36:13 77:15 boater 4:9,14 5:19 6:18 77:15 97:17 120:16 147:1,2 boating 3:4 5:5 6:13,17 7:5,7 30:10 31:18 32:20 58:21 59:1,18,20 60:16 72:8,11 75:13 83:5 98:11 98:17 99:6,21 101:12,21 110:15 113:3,14 114:10 122:1 135:14,19 139:18 140:8 141:10 146:14,15 148:13 149:19 152:16 boats 5:10 16:1 19:2,6 23:4 26:19 27:12,13 28:19 31:16,19 62:18 84:19 121:16 155:19 165:5,8 bobber 89:13 bodies 149:7 153:14 155:12 body 125:15 149:15 bohemia 137:14 137:18 |
|--|--|--|--|

| | | | |
|--|---|--|---|
| boiling 162:8 book 140:19 141:5 141:7 books 141:3 born 6:17 borrow 124:10 bottom 61:7,16,19 62:10,12,16 63:2 74:3,9 82:10 83:7 83:11,16,21 84:8 84:16,16,19,21 86:2 89:14 90:19 91:21 bouyant 102:18 bow 130:8 139:11 140:1 142:8 143:3 box 13:8,19 boy 110:18 121:2 branch 27:20 brand 113:12 break 84:9 85:7 97:14 breakdown 36:6 breakthrough 13:13 breakwater 15:19 18:16 breath 54:9 breathing 125:19 brew 95:19 bridge 9:17 brief 33:8 34:13 130:16 briefing 60:8 brine 96:17 bring 13:7 123:1 128:7 130:17 131:3 149:19 158:9 166:15 174:1 bringing 31:19 159:15 brings 97:10 153:11 | brochure 138:19 broke 13:11 110:16 broken 115:18 brooms 25:18 brought 103:11 113:10 151:5 153:1 156:7 158:7 brown 97:21 98:6 101:16 106:8 108:5 111:14 113:12 114:15,18 115:2,7,12,19 116:5,9,17 117:2 117:10,12,18 118:5,21 119:4,9 119:15,21 120:2 122:6,12,20 123:5 123:12,21 124:19 126:4,7 127:12 128:4,21 brush 101:1 bucket 116:11 buckle 111:2 bugger 121:11 build 36:1 79:8 building 42:1 built 21:9 28:8 36:3 154:13 bulkhead 16:7 56:4 bulkheading 17:2 17:12 bulkheads 35:7,11 36:1,2 bunch 58:4 143:16 144:16 159:6 160:20 buoy 17:17 23:19 30:20 31:3 132:21 134:6,7 145:4,21 146:17 147:2 buoyant 114:4 | buoys 82:15 83:1 134:9 147:21 burden 160:12 bus 22:21 bushel 95:4 bushels 87:5,10 business 70:13,19 70:20 92:3 157:7 164:21 165:3 166:16 170:6 businesses 70:14 busy 18:4 butt 114:19 button 131:7 buy 50:9 55:9,11 115:17 146:16 buyer 50:19 buying 111:13 | cameras 118:6 camies 95:20 canal 9:13 10:9,9 137:14 canister 109:1,11 109:12 canisters 112:8 canoe 154:1 capacity 144:3 caps 84:6 captain 6:19 22:20 captain's 6:6 captains 165:6 car 40:13 108:15 140:15 caramba 105:16 card 80:7,18 81:1 careful 28:16 31:2 carriage 104:1 105:10 carry 160:13 cartridge 108:9,10 116:20 119:12 case 40:8 47:11 55:15,16,17,17,19 57:16,17 114:5 cases 35:13 45:12 45:12 48:18 53:20 55:14 78:12 cat 143:6 catastrophe 126:17 catching 21:19 caught 102:19 cause 16:3 57:21 59:7 146:17 176:19 causing 102:20 caution 17:17 cbyca 4:13 cd 137:14 celebrating 100:1 cell 2:17 52:14 |
| | | c | |
| | | c 179:17 c&d 137:19 caffeine 41:8 cage 62:17 83:11 83:17,17,21 84:3 cages 61:15 62:5 62:16 67:1 74:9 74:11 84:4,7 89:10,15 call 2:2 22:12 38:7 44:6 50:9 56:18 56:21 92:15 136:16 139:6,7 143:12 154:8 164:18,19 171:1 called 6:10 34:3 35:9 43:16 44:18 75:14 123:2,3 124:2 130:1 132:2 156:18 calling 104:20 152:13 calls 37:15,21 42:11 52:16 58:13 | |

| | | | |
|---|---|---|--|
| <p>center 28:21 154:14</p> <p>cents 173:17</p> <p>certain 25:5 69:9 85:4 91:4 125:16 160:2 172:19</p> <p>certainly 60:1</p> <p>certify 179:2,5,9 179:11</p> <p>chair 2:5 5:5</p> <p>chairman 174:21</p> <p>chairs 75:16</p> <p>challenge 172:17</p> <p>change 7:20 13:7 18:7 28:5 30:16 30:19 31:2,4,17 32:10 93:9 94:5 98:12 112:10 132:14 138:4 147:18 149:17</p> <p>changed 46:3 48:11 80:14 93:8 136:1 137:1 157:14 159:11</p> <p>changes 30:17 38:16 48:14 94:7 138:17 149:14 150:14 157:14 171:1,7</p> <p>channel 17:10 18:21 19:9,15,20 20:2,4,7,9,10,12 63:16 67:20 146:4 146:11</p> <p>channels 67:19</p> <p>charge 101:18 156:13</p> <p>charges 70:11</p> <p>chart 21:2</p> <p>charted 81:19</p> <p>charter 3:7 6:20</p> <p>charting 81:18</p> <p>charts 15:12 81:18</p> | <p>check 41:4 43:4 43:20,20 94:2 121:4</p> <p>checked 163:15</p> <p>checking 94:10</p> <p>checklist 162:20 163:4</p> <p>chesapeake 3:17 4:21 5:20 6:10 35:1 36:4,13,15 37:20 43:18 45:3 53:11 57:13 137:11,19</p> <p>chester 154:13</p> <p>children 121:7</p> <p>chilling 166:14</p> <p>china 36:3 42:2</p> <p>choice 113:19 170:21</p> <p>choose 111:16</p> <p>choptank 146:8</p> <p>cigarette 28:13</p> <p>circuit 78:11</p> <p>circumstances 102:21</p> <p>citizens 3:18,20 153:2 172:2 173:2</p> <p>city 6:20 122:18</p> <p>civilization 58:6</p> <p>claiming 53:21 54:2 55:12,21 56:6 58:5</p> <p>clam 91:2,6</p> <p>clammed 90:5</p> <p>clammers 90:4,21 91:2</p> <p>clamming 68:12 68:13 90:6 91:6</p> <p>clarity 148:18 159:5</p> <p>class 110:15</p> <p>classification 67:17</p> | <p>classifications 67:14</p> <p>clause 64:6</p> <p>clean 84:16</p> <p>clear 29:7 31:9 40:2 165:16</p> <p>clearance 67:2 68:5 74:2,11</p> <p>clearly 171:15</p> <p>click 41:6</p> <p>climb 88:6 125:17</p> <p>climbed 95:12</p> <p>climbing 95:9</p> <p>close 35:18 64:3 72:19 74:6,17 86:14 87:5 98:1 126:20 152:12</p> <p>closed 20:3 140:1</p> <p>club 170:20 171:20 175:14</p> <p>clue 108:19</p> <p>clusters 85:3,7,10</p> <p>co2 109:15</p> <p>coach 155:21</p> <p>coast 5:2 6:18 19:20 20:2,11,14 53:10 68:3 81:4 81:14 104:8,9,10 104:13,18 105:20 115:14 121:6 133:2 145:6,12 165:10 166:7</p> <p>coastal 35:19 43:17,18 45:10 57:14</p> <p>coat 114:7</p> <p>coddle 106:10</p> <p>code 63:5 137:5 141:20</p> <p>coffee 41:8</p> <p>cognizant 67:3</p> <p>cold 117:11 128:9</p> <p>colder 114:5,6</p> | <p>coles 5:12,12 23:9 23:10,13 108:4 115:10 117:1 126:18 169:2</p> <p>collate 162:1</p> <p>college 132:6,6 133:7,8,11,15 134:5,6,11 154:7 154:11,13 155:3,6 155:14 156:6</p> <p>colossal 51:12</p> <p>column 61:13 62:3 62:15 63:1 67:1 82:6 83:3 85:18 85:20 86:5,7,11 89:9 91:13</p> <p>comar 30:8 63:5 97:16 137:5 139:9 141:20 143:8 146:3 147:20 155:4</p> <p>combination 52:4</p> <p>combined 134:16</p> <p>come 3:18 8:9 18:18,19 19:10 21:8 27:7 37:21 39:21 40:18 49:6 49:12 55:11 66:15 68:2 70:15 84:4 85:10 91:4 94:2 100:14 110:8,15 118:17 125:21 128:5 130:3 132:3 139:15 142:9 143:13 147:3 148:20 149:13 150:17 157:21 158:5,17 159:1 160:4,13 168:2 172:3 177:12</p> <p>comes 35:15 36:11 65:19</p> <p>comfortable 103:2 148:16</p> |
|---|---|---|--|

| | | | |
|--|---|--|--|
| <p>coming 12:1,2 17:7,8 45:1 47:6,7 47:9,9,13,14 52:4 73:1 85:1 86:14 87:21 88:7 94:10 98:15,16 146:13 166:10</p> <p>comment 8:15 27:10 75:20,21 102:9</p> <p>comments 8:11 9:2 23:7,10 24:4 27:18 29:5 30:8 72:1 76:20 93:16 97:8 150:2 158:13 162:1,9 164:21</p> <p>commercial 3:6 4:13 5:15 19:15 68:9 72:7 77:12 122:4,6,9,10,13</p> <p>commercially 3:15 77:13</p> <p>commission 179:20</p> <p>committee 1:1 2:4 2:6 3:3 7:8 11:7 34:15 60:4 61:1 130:20 135:17 138:6 143:2,13 148:11 156:20,21 159:1,11,18,20 163:19 164:5,14 169:8,10 170:3 177:6 179:3</p> <p>committee's 157:1</p> <p>committees 75:17 166:5</p> <p>common 47:8 61:21 67:10 76:16 144:9,11,12,21 173:8</p> <p>commonly 84:1</p> <p>communication 2:18</p> | <p>communities 37:19 165:21</p> <p>community 3:14 165:14 170:21 172:18</p> <p>company 138:8,16 138:17</p> <p>competition 155:20</p> <p>complaining 145:15</p> <p>complains 145:14</p> <p>complete 10:2 66:9 71:2 93:5,21</p> <p>completely 21:13 149:10</p> <p>complex 14:19,20 26:5 69:8</p> <p>complicated 153:16</p> <p>comprehend 136:10,12</p> <p>comprehensive 166:13</p> <p>compromise 109:7 171:14 173:11</p> <p>compromising 112:19</p> <p>computer 44:2 179:7</p> <p>concentration 73:3,6</p> <p>concept 42:8 48:20,21 49:3</p> <p>concern 58:3 76:2 77:7</p> <p>concerned 15:6 77:11,14,16 141:14</p> <p>concerns 3:12,19 76:15 91:17,19 92:1</p> <p>concluded 178:16</p> | <p>condition 95:20 164:8</p> <p>conditions 43:13 81:12 87:7</p> <p>condo 2:10</p> <p>condominium 14:19,20</p> <p>condos 15:3,15,15</p> <p>conduct 72:4 93:5</p> <p>conducted 3:2</p> <p>conducts 73:12</p> <p>conflicts 68:9,14 72:17 76:19 77:5 90:10</p> <p>confused 32:9,13</p> <p>confusing 132:18</p> <p>congratulate 100:17</p> <p>connected 12:16</p> <p>connecticut 139:19</p> <p>connection 19:16 34:19 100:9</p> <p>consecutive 75:11</p> <p>consensus 163:19 164:14 172:3,7 177:1</p> <p>consequence 166:9</p> <p>conservation 6:11 34:4</p> <p>consider 29:16 36:18 37:3 170:17</p> <p>considerably 66:12</p> <p>consideration 69:14</p> <p>considered 13:21 29:20</p> <p>consistency 149:4 149:20</p> <p>consistent 134:13 150:7</p> | <p>consolidate 129:14</p> <p>consolidated 133:4</p> <p>constantly 28:14</p> <p>constrained 159:12</p> <p>construction 79:15,19</p> <p>consultant 71:11</p> <p>consultation 65:7</p> <p>contact 52:9,14 57:1</p> <p>contained 179:9</p> <p>containerizing 61:12,14</p> <p>containers 61:8</p> <p>contention 17:1 29:14</p> <p>continue 113:21</p> <p>continued 173:21</p> <p>continues 92:11</p> <p>continuing 87:14</p> <p>contract 66:4</p> <p>contractor 39:5 40:3 49:13</p> <p>controversy 91:9 102:7</p> <p>conversation 11:13 41:12 99:10</p> <p>conversations 99:7</p> <p>convoluted 150:7</p> <p>cool 43:6</p> <p>cooler 128:9,10</p> <p>coordinate 162:8</p> <p>coordinates 73:14 73:15 92:21</p> <p>coordinator 7:6 98:12</p> <p>copied 26:3</p> <p>copy 129:12 131:18</p> |
|--|---|--|--|

| | | | |
|---|--|---|---|
| <p>corbin 1:21 179:2 179:17</p> <p>cord 110:9,12,18</p> <p>corner 73:14 81:1 81:2 92:20 109:2 109:19</p> <p>corners 81:21</p> <p>corp 65:5</p> <p>corps 19:17 66:5 67:21 70:8,10 71:4 73:19 74:7 81:4 145:6,11</p> <p>correct 10:13 11:8 11:10 12:7 29:10 32:4 53:7 90:19 90:20 92:12,14 98:17 137:3 140:11 153:15</p> <p>correcting 32:2</p> <p>corrections 30:8 97:16</p> <p>correctly 15:18</p> <p>cost 48:4,6 82:17 89:21 112:6,9</p> <p>costs 48:7</p> <p>council 101:12 113:3,14</p> <p>counsel 179:4,9,11 179:12</p> <p>count 104:1 105:10 106:3,13 106:15</p> <p>counties 35:19,20</p> <p>country 107:8 113:4</p> <p>county 5:15,18 39:8 42:2 75:17 75:18 76:11 84:12 89:17 95:6,10</p> <p>couple 19:21 31:16 39:7 40:5 47:1 62:8 73:17 78:12 81:2,19 83:9 93:17 99:11</p> | <p>103:11 129:13 164:14 166:17</p> <p>course 7:13 17:12 19:10 101:21 113:1 125:7 168:7 171:17 175:15</p> <p>courses 173:13,14</p> <p>court 2:15 55:14 78:11,13</p> <p>courts 55:6</p> <p>cove 2:9 9:3,5,15 10:19 11:4 15:1 20:16 22:7,13 24:10 55:4 56:9</p> <p>cover 151:9</p> <p>covers 61:4</p> <p>crab 64:16 89:5 146:20</p> <p>crabber 4:9</p> <p>crabbing 64:19 72:9</p> <p>crack 110:13</p> <p>cracks 32:1</p> <p>craig 2:2,4 4:4 5:4 5:4 6:7 7:4,9,13 8:10 9:1 12:20 13:4 19:14 20:21 22:2,15 23:6 24:4 25:3 26:7 27:2,9 27:17 29:5 30:7 31:12 33:2,18 52:8,18 53:12 54:18 56:11 57:18 59:13,16 94:17 97:7,13,15,20 116:16 124:14 129:2 148:6,21 150:2,20 151:2,11 151:21 152:6,18 155:9 156:7,17 157:6 158:13 162:7 164:9,20 166:16 167:15 168:11 169:7,14</p> | <p>169:16 170:2,6,11 170:14 173:17 174:12,15 175:1,6 175:10 177:5,15 177:18 178:10,14</p> <p>crazy 105:6 144:8</p> <p>create 40:9 56:5 130:13,20 147:10 152:2 154:18</p> <p>created 34:5 139:12 163:8,15</p> <p>credible 171:18</p> <p>credit 169:18</p> <p>creek 15:8,21 18:4 18:21 25:11,21 27:19,21 29:1 30:3,12 32:9 127:6,7 130:6 132:6,7 133:7,8 133:12,15 134:5,6 134:11 135:3,3 136:14,19 137:9 137:12,17 139:6 141:1 147:19 153:10 154:7,11 155:3,7 158:20 172:2 175:15 177:8</p> <p>creeks 153:13 156:6</p> <p>crew 18:14</p> <p>crisfield 2:10 14:16 19:8</p> <p>criteria 73:11</p> <p>critiquing 49:17</p> <p>cross 73:21 74:6 127:5,6</p> <p>crowding 143:21</p> <p>cruising 3:9</p> <p>cry 165:9</p> <p>cubic 48:13</p> <p>cue 131:15</p> <p>cup 85:9</p> | <p>current 9:16 10:2 24:9,13 98:9 100:20 101:18 171:11 175:14</p> <p>currently 7:16,21 8:5 15:1 86:15 98:11 102:2 104:16 171:8</p> <p>cuts 89:16 125:21</p> <p>cycle 85:4</p> <hr/> <p style="text-align: center;">d</p> <hr/> <p>dabble 33:6 122:8</p> <p>daily 124:16</p> <p>dam 138:9</p> <p>damaging 45:2</p> <p>danger 83:7</p> <p>dangerous 142:3,3 144:19</p> <p>danty 108:18</p> <p>data 27:7</p> <p>date 8:7 79:16 177:20</p> <p>dates 99:12</p> <p>daugherty 15:8 18:21</p> <p>dave 101:19 151:14</p> <p>david 1:21 179:2 179:17</p> <p>day 9:21 12:19 46:17 75:20 98:20 99:13,16 100:3 102:9 106:11 109:2,3,4 128:18 129:1 179:14</p> <p>days 2:9 9:3,5,14 10:19 11:4 76:1 79:16</p> <p>de 55:20</p> <p>dead 28:21 120:2</p> <p>deal 57:20 166:10</p> <p>decide 29:8 79:7</p> <p>decided 113:8 164:5,7 167:10</p> |
|---|--|---|---|

| | | | |
|--|--|---|---|
| decision 78:6 90:12 149:13 163:17 166:2 decisions 38:19 deck 140:3 decline 88:5 deep 130:6 136:14 136:19 137:9,12 137:16 139:6 140:21 147:19 deeper 85:9 define 139:10 155:12,12,16,20 156:6 defined 55:2 156:1 defines 55:18 definitely 56:21 59:1,12 125:8 definition 135:11 138:15 141:18 156:4,10 172:7 definitions 132:8 132:14 133:18 134:16 136:7 143:8 147:17,18 147:20 153:18 155:19 delayed 96:1 delegates 176:4 delineation 106:21 deliver 158:2 delivering 161:8 denied 142:17 155:14 deny 64:7,10 department 8:1 16:9,11 51:4 64:13 66:6 70:9 72:5,6 76:10 77:18 78:6 79:10 81:13 93:13,20 94:6 101:13,20 142:7 167:12 | department's 75:13 depending 93:9 170:16 depends 53:1 57:3 deploy 81:11,15 109:1,11,14 deployed 107:21 deploying 102:13 depth 74:13 depths 10:6 73:14 described 58:1 deserve 169:18 designate 10:17 designated 3:2 68:13 133:3,6,14 153:21 154:6,8,20 155:3 desk 129:7 desktop 44:2 46:20 destroying 58:6 details 76:13 determination 16:15 24:19 57:16 58:17 determine 25:1 65:20 69:6 70:4 72:2 74:19 determined 93:4 93:21 deters 112:5 developed 55:6 device 128:14 devices 2:18 diagrams 73:21 dial 27:8 dictionaries 132:8 132:13 133:20 134:3,18 dictionary 129:18 129:20 132:19,19 134:1,19 135:7,8 135:15 139:5 | dies 142:4 differences 76:18 122:14 different 40:17 43:4 44:14 58:20 59:8 61:17 69:12 74:16 75:1 81:2 104:12 129:17 132:13,16 139:8 140:1 143:5,7,16 143:18,19,19 144:6,7 146:19 153:13 differently 47:19 149:7 differs 77:9 difficult 49:16 69:11 95:19 96:5 difficulty 96:16 141:21 digging 101:9 digitized 45:18 direct 16:1 75:14 directing 165:17 direction 91:4 123:7,8,13,14 150:12 directions 45:2 directly 61:6 director 6:15 director's 151:15 dirty 112:15 disagree 149:1 disappear 57:2 discounted 113:15 discuss 76:15 133:17 discussed 157:15 discussion 60:5,7 60:9 64:15 135:2 154:21 164:20 173:1 discussions 152:5 152:6 | disease 96:9 disk 123:9,10 disruptive 56:8 dissipating 57:12 distance 23:21 29:1 distances 28:17 disturb 64:21 79:1 disturbed 80:1 disturbing 68:6 dive 127:1 diverse 3:3 dives 61:20 diving 83:7 division 6:16 34:3 dixon 27:19,21 dnr 2:16 6:7,16 7:6 16:4,8,15 18:3 43:18 51:10 58:10 60:9 74:18 100:19 110:3 131:10 140:16 141:8,11 145:10 148:16,16 150:9,16,16,17 153:3 173:4 dnr's 38:11 dock 14:21 22:12 22:12 38:5 40:10 79:8 87:15 166:2 docked 22:17 docket 167:4 doctor 44:8,10 document 9:8 14:18 28:3 157:9 164:10 documents 160:10 dog 124:2 doing 18:15 39:14 46:9 48:3,9 49:18 51:8 79:9 115:3 129:17 138:14 139:5 141:9,11 146:7 164:1,1 167:20 |
|--|--|---|---|

| | | | |
|---|---|---|--|
| <p>dollars 39:6 donuts 99:8 doodle 170:12,14 door 2:19 doors 167:2 dorchester 39:8 42:2 double 115:8 126:17 doubly 117:18 downer 120:3 downs 88:3 downtown 167:2 168:3 draft 19:4 157:9 drags 66:11 drastic 38:19 draw 55:21 drawings 74:5 dredge 20:6,13 62:10 84:19,21 dredges 61:19 drew 10:15 14:3 drifters 43:21 drinks 128:8 drive 15:20 16:5 157:17 driven 58:2 59:4 driving 144:7 drop 87:12 88:20 dropoff 88:1 dropped 87:6,9 96:17 drove 90:12 drown 126:3 drowned 125:9 165:7 drowning 124:17 124:21 125:1,8,15 126:21 dry 116:7 due 9:16 87:6 113:13</p> | <p>dump 128:9 dunkin 99:8 duress 118:1 duties 3:16 duty 77:8 173:21 dwyer 5:14,14 22:16 32:3 89:3 89:10,12 90:19 91:8,19 92:7 94:18,19 96:6,20 122:4,10 128:19 178:7</p> <p style="text-align: center;">e</p> <p>e 94:5,9 124:16 earlier 26:9 52:19 93:8 98:14 159:17 174:5 early 34:6 72:2 earth 43:11 easier 42:14 easiest 10:17 easily 83:5 eastern 27:20,21 73:4 178:5 easton 142:11 eat 128:20 economics 86:12 edits 161:17,19 educated 58:3 educating 141:9 education 98:8,11 108:5 effect 8:1 16:4 56:13 effective 69:21 77:4 167:18 egress 66:20 72:20 eight 165:7 eighteen 136:4 either 37:19 38:1 51:13 61:15 67:2 75:5 139:17 eliminate 149:5</p> | <p>elk 137:13,18 elks 1:10 embarrassed 60:2 employee 179:11 encourage 157:12 encroaching 54:1 endanger 73:8 ended 138:19 148:2 energy 138:11 engaged 65:10 99:10,16 engine 168:19 engineers 19:17 65:5 70:10 enjoyed 60:5 167:18 enjoying 3:7 ensure 81:4 entered 179:9 enthusiasts 3:4 entire 9:11 99:21 environment 16:9 16:11 51:5 79:10 environmental 87:7 161:2 equipment 79:2 121:13 equitable 7:20 eric 82:13 erosion 33:19 34:10,17 35:19 36:6,7,10,10,14 36:18,19,19 37:2 37:4,11,14 44:11 46:6 47:9 53:18 57:1,5,20 58:1,2 59:3,4 158:8 160:21 162:16 163:15 escape 91:1 especially 19:7 66:21 166:19</p> | <p>essentially 164:14 established 64:12 68:1,20 81:12 establishes 67:17 estates 29:13 estimate 39:5 estimates 48:4 evaluating 67:5 90:10 events 38:20 eventually 129:7 everybody 26:20 29:17 33:21 51:14 99:8 103:10 106:10 111:11 115:21 118:11 125:2 126:12 130:16 136:10,12 146:12 156:19,20 161:18 162:9 164:11 172:4 evidence 158:18 159:13 evidently 28:9,11 exact 92:21 exactly 109:5 132:8,13 172:6 examine 149:4 examples 47:1 exceeds 137:16 excessive 87:8 exclude 78:21 excluded 21:10 exclusion 146:11 exclusively 155:19 exemption 25:15 25:16 exercised 64:9 exercising 79:4 existence 56:6 61:2 68:18 existing 22:3 67:18 69:17 70:4 78:16 90:15</p> |
|---|---|---|--|

| | | | |
|---------------------------|---------------------------|---------------------------|----------------------------|
| exiting 17:5,6 | fact 29:16 32:10 | feel 76:6 92:17 | finger 111:1 |
| expand 21:16 | 39:6 108:9 125:13 | 124:10 126:9 | 118:14,14 |
| expandable 115:7 | 172:8 174:19 | 145:3 156:12 | fingers 115:15 |
| expect 84:5 87:12 | factor 144:13 | 159:1 172:5 | finish 85:8 |
| 103:1 170:2 | facts 26:15 158:18 | feeling 177:5 | fire 76:12 |
| expected 94:19 | 171:12 | feelings 159:10 | first 3:21 4:3 27:2 |
| expecting 87:10 | fail 111:21 | feels 117:20 | 28:17 37:14 39:18 |
| expeditiously | failure 102:12,17 | fees 90:1 | 40:6,19 42:6,9 |
| 171:19 172:9 | failures 51:12 | feet 24:16 25:12 | 44:19 48:4 49:15 |
| 173:6 175:13 | fair 7:20 166:7 | 36:20 37:3,10,11 | 56:21 60:3 70:15 |
| 177:7 | fairleigh 146:9 | 48:7 63:14,21 | 70:15 71:1 100:16 |
| expense 16:21 | fairly 159:2 172:5 | 67:20 83:12,14,14 | 110:20 111:5 |
| expensive 17:1 | fairwinds 30:14 | 83:16 121:8 | 117:8 126:18,19 |
| 109:16 112:7 | fall 18:8 27:4 | 122:21 143:10 | 127:15 131:4 |
| experience 4:20 | 30:16 95:8 116:10 | fell 32:1 110:17 | 138:10 148:7,9 |
| experienced 87:8 | 121:12 171:5,6 | fellow 172:1 173:2 | 167:3,3 170:21,21 |
| expert 10:16 | falls 9:5 | felt 11:1 1173:20 | fish 64:16 75:13 |
| expertise 57:21 | familiar 60:21 | ferryboats 22:17 | 77:13 89:5,12,14 |
| 149:20 | 89:19 | fetch 43:14 44:21 | 89:14 113:5 148:4 |
| experts 72:8,9 | family 100:20 | 45:1 59:4 | 148:4 |
| expiration 109:12 | fan 102:9,11 | fiddled 142:14 | fisheries 72:7 |
| expired 109:13 | far 23:21 45:4 | field 27:6 72:1 | 101:19 |
| expires 179:20 | 54:12 60:5 74:20 | 77:2 | fisherman 77:12 |
| explain 2:21 31:10 | 82:12 83:3 85:20 | fighting 90:4 | fishery 62:19 |
| 45:19 158:11 | 96:12 162:12 | figure 41:15 43:7 | 63:18,20 67:5 |
| 160:11 | 171:21 | 43:10 45:14 46:8 | 68:11 96:12 |
| explaining 157:11 | farm 5:15 34:11 | 48:1 | fishing 3:6,9 6:12 |
| 160:10 | 87:18 | file 65:9 76:3,5 | 6:16 33:6 64:19 |
| explanation 16:4 | farms 29:12 | filed 65:14 93:18 | 68:9 72:9 152:16 |
| explanatory 109:8 | farther 22:20 | fill 21:12 56:4 | five 28:5 86:18 |
| exposed 37:13 | fashion 43:3 | filled 169:17 | 103:19 105:19,21 |
| exposure 45:7 | fashioned 44:4 | final 78:5 119:1 | 106:1 107:2 108:4 |
| expound 54:4 | fatality 102:20 | finalized 87:11 | 121:16 |
| extension 115:13 | 120:4 | finally 60:14 | fix 44:7 129:20 |
| extensions 54:1 | faucets 119:19 | 62:20 64:3,15 | 148:19,20 |
| 115:10 | fault 161:7 | 74:14 77:5 83:2 | fixed 137:7 |
| extensively 72:10 | favor 14:18 | 84:10 | fixes 132:20 |
| extinguish 56:1 | federal 19:20 20:4 | financial 34:8 | flag 143:4 |
| extra 115:8 | 20:6,7,9,10 51:6 | find 94:12 131:20 | flags 72:3 |
| eye 73:20 174:8 | 63:16 67:20 71:18 | 135:8,11 139:9,11 | flapping 125:16 |
| f | fee 70:11 | 153:9 | flat 47:18 |
| fabulous 151:12 | feed 63:16 | finding 152:20 | flavor 96:11 |
| facebook 99:18 | feedback 73:7 | fine 89:13 164:12 | fleet 165:6 |
| | | 164:13 | |

| | | | |
|--|---|---|--|
| <p>flippant 172:16 float 84:1,2,11 114:7 128:2,11 floatation 128:13 floats 61:16 flow 47:6 fly 122:18 177:20 flying 111:4 focus 34:7 83:18 101:3 focused 122:7 focuses 62:4 focusing 114:8 fold 119:6 folks 6:14 17:3 28:9 36:4,5 39:15 40:5,16 50:8 57:1 62:21 68:12,21 71:8 73:5 82:8,19 84:15 86:20 95:5 95:17 96:13 100:12 101:4 112:13 113:18 167:1 170:20 171:11 172:19 follow 16:13 129:5 129:11 134:21 154:19 158:15 161:10 following 2:8 99:20 136:7 173:6 foot 25:14 135:8 135:12 foreign 42:8 forever 53:16 forget 32:7 58:18 forgot 159:18 form 81:6 108:6 formal 76:5 77:18 former 5:19 forth 48:15 135:16 136:8 fortunately 101:5</p> | <p>forward 4:10 11:17 65:15 75:4 79:19 90:7 152:3 152:7 168:15 forwarded 73:19 found 36:15 82:14 101:9 113:2 120:8 120:9 133:21 137:1 144:17 145:21 146:7 149:17 four 2:16 8:1,3 37:11 80:14 81:21 83:13 93:3 107:2 108:4 110:21 115:15 147:8 165:3,11 fourteen 106:7 fowl 84:5 fowls 10:8 freak 30:20 fred 4:12,12 106:7 free 124:11 frequently 82:17 93:9 fresh 96:8,18 friends 33:6 52:11 front 15:15 79:5 106:10 115:20 118:15 159:3 frustration 158:21 full 130:12 143:2 fully 99:10 fun 78:13 99:19 123:15 fundamental 165:21 funny 117:13 further 19:21 27:10 162:9,13 179:5,9,11 fyi 99:11</p> | <p style="text-align: center;">g</p> <p>gained 9:15 gal 110:5 galesville 5:9 galloway 24:10 30:11 game 100:5,13 113:5 gear 62:5 64:21 74:1,2,3 79:1,2 80:1 81:16 82:6 82:10 83:10 84:9 general 8:2 60:17 77:9 generally 66:6 76:11 77:2 83:11 83:15 85:2,5 88:4 88:14 generic 112:2 gentleman 120:5 getting 37:12,12 55:9 100:19 102:3 102:19 110:2,3 112:15,15 113:14 118:7 119:5 153:17,17 162:8 162:18 girl 125:9 girls 121:3 gis 42:19 45:18,19 74:15,18 gist 114:9 123:6 145:1 give 16:19 18:8 33:7 34:12 36:5 38:9 39:16 40:1 48:20 49:2 50:3 50:16 81:1 85:12 88:10 99:1 119:8 124:11 128:21 131:15 140:18 147:5 151:2 152:11 157:16 167:13</p> | <p>given 156:4 177:19 gives 38:14 41:6 43:19 87:2 172:17 giving 157:16 159:4 glad 60:5 94:16 glossed 53:15 go 11:10,14,17 14:4,5,9 15:2 17:6 18:19 21:5 22:17 24:13 30:17 35:16 37:8 38:7 40:13 41:14 42:6,9,17 43:9,11 44:5,12 44:18 45:9,11 46:15,15,17 51:20 58:16 60:12,13,19 65:19 73:9,9 74:15 75:2 76:10 85:7,8 90:1 91:11 92:15 97:11,17 100:13 103:4 106:18 107:6 108:21 109:2 110:4,13 112:12 113:6,20 115:8,19 116:1,2,2,6,8,14 116:17,18,18 117:19 118:21 119:4 120:1 121:16 122:18 123:8,14 124:21 125:3,3 127:13 128:19 131:8,9 133:17 135:7,7,9 135:10,16 137:18 140:5,6,7,9,14 141:16 142:20 143:17 147:14 148:7,9 151:16 162:13 163:4 171:7 172:9 174:9</p> |
|--|---|---|--|

| | | | |
|---|---|--|---|
| <p>goal 40:21</p> <p>goals 39:19 41:14</p> <p>god 168:1</p> <p>goes 12:19 36:11 38:12 92:20 96:12 96:13 107:14 111:4 112:16,21 170:17 171:9,9</p> <p>going 12:21 13:2 15:8,8,10 16:20 18:15 19:2,6,9 28:18 29:17 30:2 30:19 31:4 35:8 36:5 39:12 41:6 44:17 45:5 48:6 53:3,4 55:12 56:18 59:3 64:14 66:16 67:10 68:5 69:4 80:4 89:13 89:14,15,17 91:10 91:20 95:1,16,21 96:1,3 97:1,17 99:2,7 101:13 103:1,2,3,5 108:11,17,19 110:11 111:18 112:18 114:7,10 114:13,19 116:11 117:9,15,15,17,18 117:21 118:1,17 118:19 122:18 124:21 126:3,12 126:15,16 128:11 129:19 130:4,8,11 130:11,13,16,17 130:20,21 131:7,9 131:21,21 139:15 143:7,18,20 144:5 144:8,13,20 145:1 148:17 150:10 151:13 152:20 153:9 154:14 157:20 158:7 161:3 163:3</p> | <p>164:18,19 166:9 168:18 169:5 174:2 178:1</p> <p>good 4:7,18 6:14 33:11 34:2 35:14 36:17 38:11,14 43:17 45:6 47:2 50:8 52:10 56:10 70:9 95:14 100:19 100:21 101:9 102:8 106:2 108:5 108:11,12,12 110:2,11 111:15 112:2 113:15,16 115:6,19 122:14 139:13 149:11 156:8 161:17 168:9</p> <p>goodness 106:13</p> <p>goofy 142:11</p> <p>google 43:11 144:18</p> <p>gotten 49:21</p> <p>government 51:7</p> <p>governor 8:2,12 8:14 172:10 174:18 175:20</p> <p>governor's 7:17 8:6</p> <p>grab 126:21 128:16</p> <p>grace 55:20</p> <p>grain 38:6</p> <p>grand 29:19</p> <p>grandchildren 168:20</p> <p>granddad 110:16 110:19</p> <p>grant 4:2,6 7:7,7 7:11,15 8:14 9:3 10:14,20 11:6,10 11:14,19 12:1,4,6 12:9,12,17 13:2,5 13:10,13,17,20</p> | <p>14:4,7,11,15 15:16 16:8,18,20 18:1,5,13 19:12 19:18 20:16,19 21:5,12,18 22:5,8 22:11,18 23:4,8 23:12,14,17 24:3 24:6,21 25:2,7,10 25:16,20 26:4,11 26:13,17 27:14,19 29:10,14 30:2,9 31:6,11,14 32:4 32:15,18 33:1,3 33:11,15,20 59:19 97:10 100:18 101:15 113:11 114:17 115:16 123:4,9 140:11,20 142:9,12,17 151:13,19 152:4 154:12 156:16 157:8 160:18 161:6,14 162:2,4 163:6,10 164:10 166:17 167:16 168:13,18 169:4 169:13,15,20 170:3,13,16 172:13 174:5,13 175:3,7,12,17,19 176:5,10 177:11 177:17 178:1,5,8</p> <p>granted 79:21 133:10</p> <p>graph 88:9,9</p> <p>gravitate 37:6</p> <p>gravity 127:20</p> <p>gray 69:19</p> <p>great 3:16 36:3 41:21 42:1,1 58:3 99:11 102:3 105:21 121:19 122:2 137:9 146:10 153:1,5,11</p> | <p>162:5 167:19 168:15</p> <p>greatly 59:17</p> <p>green 24:13 116:16,17</p> <p>grief 128:21</p> <p>gross 144:15</p> <p>ground 47:14 48:10 59:6 76:17</p> <p>group 3:4 51:9 103:3 146:14 147:15 167:20 171:13,15 173:11 173:15</p> <p>groups 136:13</p> <p>grow 83:17 86:4,8 95:20</p> <p>growers 86:10 88:7 96:2</p> <p>growing 64:6 85:8</p> <p>grows 67:8</p> <p>growth 84:2 87:19</p> <p>grueling 166:21 166:21</p> <p>guard 5:2 6:18 19:21 20:2,11,14 68:3 81:4,14 104:8,9,10,13,18 105:20 115:14 121:6 133:2 145:7 145:12 165:10 166:7</p> <p>guess 18:2 30:19 33:18 55:8 105:8 105:11 106:5 121:5,6 126:9 128:9 133:11 138:9 150:15 174:4 176:13</p> <p>guidance 136:9 152:1</p> <p>guidelines 63:8</p> <p>guiding 141:5</p> |
|---|---|--|---|

| | | | |
|--|---|--|---|
| <p>gumby 105:2 gunnel 140:2 gunpowder 2:9 9:5 11:2,4 guy 52:10 guys 27:3 104:14 111:12 129:5 130:9 133:16 134:12 135:5,14 138:2 143:5 147:7 147:8 168:10 171:17 178:3</p> | <p>harbor 2:9 hard 87:20 129:12 131:18 142:2 152:19 169:17 hardwood 56:5 harvest 61:18 79:2 85:11 87:4,9 88:8 94:20 harvested 62:10 harvester 80:3 harvesting 96:14 hatcheries 95:18 havoc 29:16 146:18 havre 55:20 he'll 119:6 head 30:12 34:3 111:4 125:17 150:13 headrest 121:11 health 64:8 hear 2:7 4:4 7:11 23:20 34:1 49:9 53:17 98:18 118:12 124:1 125:11 142:5 159:8 167:4 174:13,20 heard 20:17 23:17 29:21 159:2 172:5 175:3,4 hearing 78:4,8,8 114:1 175:13 hearings 78:2 167:2 heart 167:21 heck 95:7,9 127:17 held 78:9 helium 119:4 hellner 5:17,17 8:12,21 15:17 16:13 17:19 18:2 18:10 20:9 22:3,6</p> | <p>22:9 26:8,12,14 26:21 32:5,21 52:9 150:18 151:17,20 158:15 161:21 162:3,5 168:17 171:10 172:15 174:17 176:3,7 178:13 help 40:21 42:5 43:8 46:10 49:4 57:10 68:15 71:11 71:12 113:17 125:1,1,11 126:5 127:16 136:20 helped 90:13 helpful 70:3 81:7 helping 126:3,4,4 helps 38:20 43:7 80:9 hey 35:17 37:21 38:15 39:4,9,16 39:21 40:12 41:6 41:21 44:6 49:5,6 49:8,9,13,19 50:9 51:2,16 123:15 148:15 hi 5:17 59:21 100:15 118:19 high 37:14 42:13 47:3,11 54:14,15 56:16 83:13 91:5 173:9 higher 111:21 112:2 highest 78:12 hindering 68:7 hire 71:10 historic 38:9,10 historical 46:14 59:2 historically 59:2 history 90:17 hit 107:5 131:6,7 131:13</p> | <p>hokey 124:5,6 hold 54:9 75:20 76:12 127:3,10 170:18 177:11 holder 80:15 holding 98:2 174:4 177:20 holds 82:15 holes 109:20 holiday 24:10 32:7 32:17 holidays 32:18 holler 124:11 holy 144:15 home 118:20 131:2 172:1,2 173:5 honest 172:20 honestly 96:11 honey 118:19 hook 118:11 hooked 118:10 hope 107:9 120:10 hopefully 135:17 hoping 33:5 95:2 95:14 113:19 horn 95:18 horsepower 25:13 hot 15:9 121:1 hour 128:20 hours 77:3 173:4 175:14 177:7 house 7:16 28:12 176:3,5,8 houses 176:11 hover 86:19 hovers 88:12 human 165:9 humans 35:2 hung 89:15 112:21 hunting 92:2 hurricane 38:18 hurt 117:9</p> |
| h | | | |
| <p>haha 117:16 half 39:6 77:3 85:6 88:15 123:10 128:20 halfway 172:3 173:2 halls 76:12 hand 62:1 167:13 179:14 handle 33:11 hands 37:19 118:15 hang 108:17 hanging 143:11 hangs 89:8 happen 33:9 112:4 177:2 happened 33:8 38:18 46:6 58:17 101:6 161:9 happening 31:5 34:18,21 35:12 36:21 38:8,17 39:17 57:13 happens 35:1 74:8 101:5 157:21 174:9 happily 101:10 happy 4:10 102:4 114:12 124:12 150:1</p> | | | |

| | | | |
|--|---|---|--|
| <p>husband 39:11</p> <p>hydraulic 62:4 84:20</p> <p>hydrographic 7:1 7:2 73:13</p> <p>hydrostatic 109:15,15 111:13 111:14,20 112:3,6</p> <p>hypothermia 114:9</p> | <p>important 44:16 74:7,14 104:5 106:20 109:9 111:5 116:21 118:9 119:1 122:17 153:12 157:4 160:3</p> <p>inboard 24:8</p> <p>inch 85:6,6</p> <p>inches 83:13</p> <p>include 10:15,19 137:13 145:18,19</p> <p>included 11:16,17 14:3</p> <p>includes 72:7 143:10</p> <p>including 22:6 95:18 137:14</p> <p>inconsistencies 148:18 149:17</p> <p>inconsistency 149:21</p> <p>inconsistent 149:5</p> <p>increase 87:13 94:20</p> <p>increased 53:21</p> <p>incredible 120:15</p> <p>incredibly 171:12</p> <p>indepth 72:16</p> <p>indicate 52:20</p> <p>indicates 165:15</p> <p>individual 61:6 66:7 70:12 76:1 80:4,10,21 85:9 88:6</p> <p>individually 162:2</p> <p>individuals 37:20 62:1 69:3 70:1 71:12 84:4 86:17 87:1,16</p> <p>industry 36:12 85:13,19 87:3,4 87:19,21 88:7,8</p> | <p>infancy 111:17</p> <p>inflatable 102:6,8 103:9 105:12,14 108:1,7 111:10 112:2</p> <p>inflatables 102:10 103:18 110:4</p> <p>inflate 108:7,13 109:1,18</p> <p>inflated 113:6,8 113:20 114:16</p> <p>inflates 111:3</p> <p>influence 50:15</p> <p>info 71:6</p> <p>information 16:15 17:21 18:3,3,8 38:11,21 43:19 44:14,16 46:7 48:8,15,17 50:3 50:17 52:10,14 56:10 59:11,16 66:1 71:3,5 73:15 76:3,7,9 81:10 83:8 90:11 101:10 153:9 165:2 177:19</p> <p>informational 76:4,21</p> <p>ingress 66:20 72:20</p> <p>inherently 114:4</p> <p>initial 74:15</p> <p>initials 82:18 83:2</p> <p>input 16:19 92:12</p> <p>inputs 49:21</p> <p>inside 23:5 24:2</p> <p>inspections 100:1</p> <p>instances 102:18</p> <p>instill 66:18</p> <p>institutions 51:7</p> <p>instructions 159:4</p> <p>instructor 127:5</p> <p>integrity 172:21</p> | <p>intend 61:14 74:9</p> <p>intends 71:21</p> <p>intensely 86:4</p> <p>intently 86:8</p> <p>interactions 78:16</p> <p>interactive 68:20</p> <p>interest 79:20 135:19 136:13 159:13 171:15</p> <p>interested 52:12 69:3 166:12 179:12</p> <p>interesting 26:5 53:14 99:7 124:20 125:5</p> <p>internal 152:4,6</p> <p>international 165:19</p> <p>internet 44:4</p> <p>interrogated 179:4</p> <p>introduce 6:7</p> <p>introductions 4:3</p> <p>investigation 165:10</p> <p>invitation 60:1</p> <p>inviting 177:12</p> <p>involved 55:19 89:3,17 99:18 120:7 147:10 155:19</p> <p>involvement 57:21 166:7</p> <p>isabelle 38:18</p> <p>island 18:15,17 19:2 22:17 25:19 25:21 56:16</p> <p>islands 56:15 57:12,15</p> <p>issuance 66:11 90:14</p> <p>issue 10:8 17:11 18:17 26:5 28:18 41:10 61:3,13</p> |
| i | | | |
| <p>idea 10:4 87:2 114:18</p> <p>ideal 97:3</p> <p>ideas 143:12</p> <p>identified 83:5 93:10</p> <p>identify 65:11 68:17 83:9 139:17</p> <p>identifying 148:17</p> <p>ignored 28:16</p> <p>illegally 145:21</p> <p>illustrate 69:8,20 74:5</p> <p>image 15:11</p> <p>imagery 43:20</p> <p>images 46:15</p> <p>imagine 71:1 77:1 95:21 96:19</p> <p>immediately 37:6</p> <p>impact 16:1 58:8 64:8 66:20 72:7 73:8 77:17</p> <p>impacted 155:15</p> <p>impacts 48:16 60:15 66:3 68:17 72:11,20,21 73:11 92:6 93:10</p> <p>implemented 69:1 93:13</p> <p>implicitly 153:4</p> <p>importance 103:7 120:17</p> | | | |

| | | | |
|--|--|---|---|
| 64:4,13 66:3 67:7 67:15 95:15 123:17 142:8 151:9 154:12 158:10,19 159:15 161:4 issued 65:20 76:6 78:17 79:5 issues 15:18 17:2 17:4 44:9 46:10 57:2,20 66:5 67:5 80:2 81:9 112:3 120:6 130:17 156:9 160:16 161:2 163:2,19 166:10,11 issuing 60:12 63:4 63:10 65:16 70:14 70:18 72:3 78:7 92:19 items 2:13 | james 19:2 january 157:15 177:2 jealous 118:5 jean 30:18 jeannine 6:12,12 129:6 168:11,13 jerk 117:4 jet 28:18,20 122:18 job 34:16 40:20 153:6,11 161:12 161:12 169:6 joe 5:17,17 8:12 8:21 15:16,17 16:13 17:19 18:2 18:10 20:9 22:2,3 22:6,9 26:7,8,12 26:14,21 32:5,21 52:8,9 150:18 151:17,20 158:15 161:21 162:3,5 166:18 168:17 171:10 172:15 174:17 176:3,7 178:13 joe's 161:11 john 6:3,3 23:21 24:17,18 25:1 29:7,11,21 30:6 34:21 53:13 54:6 54:11,19 55:7 56:10 111:12 122:15,16 127:17 127:17 150:4 johnny 126:13,14 joining 169:7 joint 65:4,16 joke 152:13 jon 4:18,18 16:19 19:15 31:10 52:19 53:6 117:7 124:15 125:13 126:6 145:18 152:21 | 162:11 163:9,12 164:13 jones 5:1,2 11:12 25:4,9 140:9,13 140:17 156:19 173:10 joppa 9:11 10:9 12:13 judge 78:5,10 judgment 55:1 julie 97:17,20,21 98:6 101:16 106:8 108:5 111:14 113:12 114:15,18 115:2,7,12,19 116:5,9,17 117:2 117:10,12,18 118:5,21 119:4,9 119:15,21 120:2 122:6,12,20,21 123:5,12,21 124:19 126:4,7 127:12 128:4,21 129:2 139:20 141:8 july 167:18 177:14 jump 126:13,13 170:17 171:2 jumped 127:8 jumper 120:21 121:5,5,7,13 jumping 137:8 june 171:9 jurisdiction 16:12 jurisdictional 69:15 | 97:5,9 katherine 70:2 katherine's 69:10 kayak 154:1 keep 5:10 12:1,1 86:16 90:3 94:10 111:10 113:18 115:3 125:18,20 128:8 131:8,12 132:10,12 134:17 143:18 144:5,7,20 157:1 174:8 176:16 keeping 146:10 168:6 keeps 168:14 kelly 91:14 kent 142:12 kept 84:13 kicking 125:19 kicks 41:8 kidding 49:10 167:19 kids 29:19,19 40:6 105:3 110:15 120:20 121:1,17 127:15,18 128:1 killed 45:7 kind 15:20 25:5 34:16 50:11 60:17 62:2 68:16 85:18 86:12 87:2 90:7 99:14 100:8 109:7 111:16 112:9 114:9 122:4 124:5 124:10 127:14 129:12 146:5 160:5 166:3 177:20 kinds 40:16 55:5 kitchen 42:21 123:15 kiyc 178:2 |
| j | | | |
| jab 127:11 jacket 98:19 99:4 99:5,13,17 103:2 104:6,15,18,19 105:1,6,13 107:19 108:1,8,18 109:4 109:7,10,15 110:1 110:7,19 112:4,16 113:7,9,9,12,20 114:4,8,14 116:13 117:6 118:8,13,16 119:2 120:8,20 121:4,20 123:19 124:1,4,10 133:12 jackets 100:11 101:4,12 102:6,19 103:16 104:4 107:1,8 110:3 111:10,13,15 113:16 120:17 121:1,18 133:11 154:19 | | | |
| | | k | |
| | | kabash 120:11 karl 6:14,15 33:10 33:13,16 59:19,21 66:15 89:9,11,20 90:9,20 91:13 92:1,8,14 94:14 94:16,21 96:10 | |

| | | | |
|---|--|---|--|
| <p>kling 4:15,15 10:11,18 21:1,2,7 21:15,21 25:18 27:3 54:18,19 55:17 57:18,19 59:9 114:13 115:1 115:5,15,18 116:4 116:7 117:5,9,11 117:17 118:3,19 119:3,8,17,20 120:1 123:20 142:5,10,13,19 148:21 149:1,12 155:9,10 160:19 161:10 165:2 170:9 176:11,20 177:13 178:12</p> <p>knees 127:1,2 knew 168:3 knot 9:5,7 10:2,2 24:7,9 25:15,17 29:3 30:10 knots 9:7,17,18 10:1 12:11 14:17 15:5,10 22:8 23:5 24:11,14 27:20 28:2 31:14 32:14 32:15 123:10,12 127:8 135:5 know 10:7,13 19:18 28:8 31:8 34:13,15,20 35:3 35:7,13 36:3,11 37:9 38:4 40:17 43:14 44:2,14 47:1,13 48:2,11 48:13 49:12 50:10 51:3 52:11,11 53:15 55:7 56:14 57:4,16 58:14 60:21 80:9 82:9 91:8,19 93:18 94:21 96:6 98:6 99:9 101:5,19</p> | <p>104:2,5,12,21 105:1,4 106:1,9 106:17,18 107:16 108:6,10,15 109:6 109:8,9,9 110:5 112:9 114:20 116:1,2,6,12,12 116:15 117:5 121:9 123:16 124:5,9 125:5 127:17 128:13 134:11,20,20 135:6,13 138:18 150:12 151:7 156:21 159:18 162:17 167:20 171:3 176:7</p> <p>knowledge 120:16 knowledgeable 3:10 known 111:21 112:3 knows 148:4</p> <p style="text-align:center">l</p> <p>la 159:3 label 104:8,9,14 104:17 105:8,18 106:3,12,16 107:7 labels 103:16 104:4 139:20 lack 148:18 ladder 125:17 126:8,9,11,14 lady 105:12 127:4 lake 9:19 10:4,6 14:10,12 130:7 136:14,19 137:9 137:12,17 139:7 141:1 147:19 land 3:13 28:4 34:19 47:18 57:2 61:4,18 62:9,11 63:15 66:1,20 75:15 77:10 79:4</p> | <p>82:6 84:14 85:17 86:3 lands 72:18 language 160:9 laptop 153:8 large 26:19 83:19 115:8 largely 165:20 larger 24:8,16 larvae 95:17 96:1 lastly 85:11 lat 27:7 lateral 54:1 law 8:13,15 55:1 63:5,12,17 64:6 64:11 75:9 78:5,9 137:9 142:18 144:5 174:10 179:4 laws 79:20 131:12 144:1,6 lawyer 136:6 layer 37:12 lead 149:3 158:3 161:6 165:13 leaking 117:6 lean 114:7 learn 122:20 learned 46:20 lease 61:1 62:11 63:20 64:4,10,14 64:17,17,20 65:1 65:3,16,20 66:4 66:11 67:1,7,9,11 67:15 68:6,7,19 69:4 70:2,6,18 72:4 73:5,10 76:6 78:17 79:5,9,21 80:5,6,13,16,19 81:3,16 82:1,6,6,7 82:13,19,20,20 83:2,9 85:20 86:15 90:7,14,15 90:19 91:14 92:19</p> | <p>93:13,14 94:13 146:2 leased 69:7 leaseholder 65:2 66:5 68:7 78:18 79:16,17 80:4,12 85:6 leaseholders 79:21 81:10 95:5 95:10,11 leases 60:12 61:3 61:4,13,18 62:1,2 62:9,15,15,20 63:1,1,4,10,12,13 64:3 67:18 69:17 70:14 78:16 79:3 80:2 81:9 83:3 84:14 85:2,14,14 86:3,5,7,11,14,18 86:21 87:2 89:18 91:10 leasing 60:18 61:5 63:7 69:14 85:18 90:17 leave 50:4 109:18 131:10 166:2 172:11 leaving 15:6 left 2:19 62:16 82:12 83:11 84:10 84:21 88:9 legal 54:6 55:15 70:21 72:5 92:18 134:20 136:1,4,5 136:8 139:2 141:2 141:6,19 147:10 147:11,12,13 legislate 33:3 legislation 142:14 142:18 150:11 legislative 33:2 151:5 166:20 legislature 34:6 157:2</p> |
|---|--|---|--|

| | | | |
|--|---|---|--|
| legislatures 159:7 173:19 | lights 2:10 | live 4:13,15 5:8 14:19 53:13 172:6 | 72:7 90:10 92:4 93:3,12 95:13 |
| legs 83:15 | limit 145:9,16 155:13 160:6 | living 51:18,19 52:1,3 57:11 | 99:9 134:10 136:9 137:1,4 138:5 |
| length 121:9 | 162:15 163:1 | loading 17:4 | 145:20 153:19 |
| lengthy 65:2,3 70:17 | limited 28:20 | local 6:1 10:16 66:1 75:11 81:15 | 162:13 168:15 178:5 |
| letter 158:3 | limits 136:15 138:21 154:18 156:3 | locate 93:19 | looks 24:1 74:1,1 104:13 109:4 |
| letting 118:16 | line 9:20 10:15 11:3,8,21 12:3,8 26:10 32:8 54:1 68:11 89:7,8 95:15 122:14 | located 75:16 | 110:11 115:21 121:3 126:14 131:3 138:6 |
| level 53:19 71:19 71:19 75:3,5,8 78:10 114:11 137:16 138:3 | linear 48:7 | location 18:12 | loose 84:9 111:2,3 115:6 |
| levels 137:9 | lined 84:13 | lodge 1:10 | loosen 110:21 |
| levitan 4:12,12 106:7 | lines 46:1 56:1 69:15 | long 4:13 38:2 40:12,15 41:12 79:1 92:10 103:15 107:19 128:18 133:5 | loosening 16:2 |
| liaison 7:7 33:3 51:4,6,14 | link 94:14 | longer 107:1 115:14 137:6 138:11 160:2 | losing 57:7 |
| liberty 121:14 | list 8:8 | look 4:10 14:2,9 20:5 21:10 26:1 35:9 38:1,21 40:20 43:1,5 44:13,20 45:3 46:7,14 49:14 50:5,15,21 51:1 57:15 58:14 59:3 59:4,4,5,8 62:12 68:10,11,16 70:3 71:6 72:10,15,16 74:16 75:5 84:12 85:3,13 88:10 92:5 93:2 94:3 109:13 116:14 120:19 121:1 124:18,20 125:1 135:15,18 142:8 149:20 157:13 168:9 | loss 36:11,21 168:6 |
| license 6:6 77:13 79:13 | listed 2:13 | lost 57:14 89:21 176:19 | lot 17:16 18:15 19:1,3 28:6 32:6 35:16 37:15,21 40:7 42:14 43:6 43:19 44:13,16 47:6,6 50:4 52:11 55:18 68:12 69:11 77:1 78:14 91:9 96:21 99:18 127:21 144:1,8,10 146:17 152:19 153:12,13 156:18 158:21 162:14,15 166:4 |
| licensed 6:19 80:11 | listen 42:7 118:11 172:18 | lots 56:3 100:1 154:2 | loud 98:18 156:2 |
| life 85:4 98:19 99:3,5,13,16 100:11 101:4,12 102:6 103:2,16 104:3,15,18,19 105:1,6,12 107:1 107:8,18,19,21 108:17 110:1,2,7 111:10 112:4,16 113:6,9,15,20 114:8,14 118:16 119:2 120:8,17,20 121:1,4,17,19 123:19 124:4,10 127:6 133:10,12 154:19 | literally 33:4 110:13 | louis 7:2,2 11:2 12:16,21 13:3 19:6,18,19 23:2 25:14 30:18 72:10 81:7 92:20 100:18 101:8,8 | |
| lifeguard 126:18 126:19 | litigate 27:5 | looked 9:4 46:19 46:21 93:7 109:5 141:15 | |
| lifelong 6:18 | litigation 53:20 | looking 16:21 21:7 48:18 69:5,14 | |
| lifetime 5:19 | little 2:9,10 9:4 12:14,21 14:15 21:8,9,9,17,21 27:8 32:9 34:12 34:13,13,17 37:10 38:9 39:16 40:10 70:16 85:9 86:3 88:14 89:4 95:13 98:3 100:16 101:3 101:17 102:5 104:16 105:2 110:18 111:8 112:5,10 121:2,11 125:9 127:4 128:12 129:9,19 130:5,5,9 131:1 135:4 139:18 140:19 162:13 | | |
| lifted 32:19 | | | |

| | | | |
|--|---|--|---|
| <p>louis's 73:12</p> <p>love 49:18 100:14 118:16 119:2 120:12 121:4</p> <p>lovely 26:1 105:2 128:18</p> <p>low 37:11 42:13 42:15 47:2 74:12 74:12 101:17 114:11,11</p> <p>lower 21:9 83:21 84:10,21 95:5 127:20</p> <p>lunch 97:10,12,13 97:14 123:21 168:1</p> | <p>map 69:11 136:20 137:7 153:6</p> <p>maps 71:6,8 74:4 132:17 136:14,15</p> <p>marina 15:1,3,4 15:14 17:6 22:7 22:20 27:21 73:1 121:14</p> <p>marinas 4:21 31:16 72:19,20 75:1</p> <p>marine 6:4,5 36:12 103:13 105:17 119:17</p> <p>mariners 100:7</p> <p>marked 19:20 20:11,12 82:1</p> <p>markers 81:1,3,5</p> <p>market 88:3 96:15 96:15,19 107:5</p> <p>marking 81:9 83:4</p> <p>markings 82:3,7</p> <p>marks 74:10</p> <p>marlboro 5:4</p> <p>married 40:5</p> <p>marsh 5:12,12 23:10,13 47:2,3 47:11,19 108:4 115:10 117:1 126:18 169:2</p> <p>mary's 84:11 95:6</p> <p>maryland 1:1,10 4:20 5:9,18 6:3 16:9 35:17 36:15 43:16 51:4 53:7,9 54:4,14 56:12 61:3 63:5 71:16 95:6 101:21 121:9 121:21 133:1 144:5 145:5 179:1 179:2</p> <p>masters 6:6</p> <p>matter 39:6 137:16 179:7</p> | <p>matters 106:20 159:16</p> <p>max 24:3</p> <p>maynadier 7:12 7:15 158:19 172:2 175:15 177:8</p> <p>mde 16:18,19 51:16 67:17</p> <p>mean 16:18 36:21 58:20 74:12 86:21 125:9 127:15 140:20,21 157:14 166:21 178:7</p> <p>meaningful 55:3</p> <p>means 46:5,6 116:17,19 119:21 120:2 133:6 135:6 135:11 167:5 179:7</p> <p>meant 139:2</p> <p>measuring 53:5</p> <p>mechanism 69:3 125:14 126:1 149:9</p> <p>media 100:2</p> <p>medical 44:9</p> <p>medium 37:4</p> <p>meet 17:14 135:19 171:21 173:2</p> <p>meeting 1:4 2:3,7 2:12,14 4:11 18:9 60:4,8 76:4,7,21 77:2 97:16 130:12 130:14,15 142:11 147:11,12,13 157:9,11,15,18 158:1,5,10 163:13 167:17 168:2 170:10,11,15,18 171:6 174:20 176:14,15 177:12 177:20 178:2,16 179:3,5</p> | <p>meetings 3:1 66:17 77:3</p> <p>meets 64:12 73:10</p> <p>member 5:2 76:8 77:6,9 83:5 94:2</p> <p>members 3:3 4:5 66:1 71:21 78:21 93:1,15,17 169:10</p> <p>membership 113:13</p> <p>memory 10:11</p> <p>mentioned 17:3</p> <p>mentioning 112:1 169:5</p> <p>merits 27:5</p> <p>merlin 44:18</p> <p>mes 53:2</p> <p>mesh 83:19</p> <p>message 103:4,6 121:19 122:1 123:18</p> <p>method 143:7</p> <p>methods 61:9,18</p> <p>microphone 4:6 98:2</p> <p>middle 2:11 24:6,9 30:11 31:13 82:20 158:9 160:6</p> <p>mike 3:20 4:2,6 7:4,5,5,7,7,9,11 7:15 8:12,14 9:3 10:14,20 11:2,6 11:10,14,18,19 12:1,4,6,9,12,17 12:20 13:2,5,10 13:13,17,20 14:2 14:4,7,11,15 15:2 15:12,14,16 16:8 16:18,20 17:6,19 18:1,5,10,13 19:12,18 20:16,19 21:5,6,12,18 22:3 22:5,8,11,16,18 23:4,8,12,14,17</p> |
| m | | | |
| <p>madam 174:21</p> <p>mail 22:12 23:4 94:5,9 124:16</p> <p>main 2:11 20:2 24:6 31:20 54:15 65:6 133:21</p> <p>maintain 6:5 132:9</p> <p>maintained 19:16 103:8</p> <p>maintenance 107:17 108:7</p> <p>major 38:20</p> <p>majority 85:15,21 106:14,16 113:3</p> <p>making 2:20 16:14 65:13 90:13 136:14,21 138:20 145:16 146:13 148:14,18 157:16 158:17</p> <p>man 52:13</p> <p>management 82:2</p> <p>manner 142:1 143:9 179:8</p> <p>manual 113:2,6,8 113:19,20</p> | | | |

| | | | |
|---|--|---|--|
| 23:21 24:3,6,18 24:21 25:2,7,10 25:16,20 26:4,11 26:13,17 27:14,19 29:7,10,14 30:2,9 31:6,10,11,14 32:4,5,15,18 33:1 33:3,11,15,20 34:14 39:4 44:19 46:17 58:13 59:19 60:1,6 85:11 97:10 100:17,18 101:7,7,15 113:11 114:17 115:16 123:1,4,9 131:4,5 131:15 140:11,20 142:9,12,17 143:17 144:14 146:7 151:13,19 152:4 154:12 156:16 157:8,17 158:16 160:9,18 161:6,14,19,21 162:2,4,7 163:6 163:10 164:10 166:17 167:15,16 168:13,17,18 169:4,13,15,20 170:3,12,13,16 172:13 174:5,13 175:3,7,12,17,19 176:5,10 177:11 177:17 178:1,5,8 178:8 mike's 161:11 mikes 46:17 mile 24:2 miles 35:18 52:20 52:20 53:3 89:19 mill 25:21 135:3,3 millersville 5:18 million 39:6 87:14 millions 107:7 | mind 111:16 120:19 178:3 mindful 3:10 mindsets 112:10 minimal 82:17 minimum 25:12 81:21 82:3 138:21 139:2,7 152:10,12 minnetonka 17:3 minute 132:3 minutes 163:13 misperception 158:21 misses 15:7 missing 47:3,10,11 116:20 missouri 144:5 mistake 32:2 mistaken 157:8 misunderstand 92:13 mitigate 177:3 moaney 6:12,12 mobile 165:5 model 104:17 moderate 37:5,13 modifications 92:5 modified 134:9 138:20 modify 75:6 76:19 153:20 mom 128:21 mom's 123:15 moment 2:21 money 39:13 41:3 41:3,3,5 month 98:20 165:4 months 66:9 93:3 114:7 mooring 134:6,7,9 134:10 146:3 | moorings 145:18 145:20 morning 4:7,18 5:1 6:14 167:6 motion 170:7 174:17,18 175:11 175:12 motorized 26:18 mouth 137:12 move 64:13 75:3 79:17,19 90:13 106:4 123:7,13 132:1 133:15 152:2 153:20 161:19 175:13 177:7 178:12 moved 38:3 129:21 130:3 movement 43:21 moves 123:14 156:15 moving 9:2 38:6 40:6 53:6 102:3 152:6 155:1 157:6 multipliers 87:15 multitask 162:4 municipalities 56:4 mustang 103:13 mustangs 111:12 mute 127:14 | national 99:12,20 101:11 113:3,14 nationwide 66:7 natural 34:18,20 35:4 57:6 61:10 63:3 70:10 80:9 84:18 98:7 113:4 167:12 nav 68:1 naval 5:19 navigation 67:19 81:5 navigational 63:16 67:19 72:11 near 2:20 15:7 20:15 107:11 134:6 155:14 nearest 74:21 nearly 55:6 neatly 84:13 necessary 81:19 neck 169:21 need 42:3 69:13 69:19 70:20 71:3 103:7,8 113:18 119:11 121:10 122:10,12 124:9 129:20 130:9 132:10,14 134:12 135:14 137:3 138:4 139:3,10 146:18 147:8,15 149:17 156:9 161:18 164:16 173:3,4,4,18 174:3 176:20 177:13 needed 51:3 60:8 needing 101:3 needs 3:19 108:6 119:11 151:2 negative 46:5 negligence 141:19 144:6 |
| | | n | |
| | | name 2:4 4:7 6:9 17:15 24:12 34:2 82:18 98:6 169:2 169:20 named 179:3 names 91:1 nanticoke 82:14 narrow 12:21 13:4 13:5 narrows 142:12 nascar 34:3 | |

| | | | |
|--|--|---|---|
| <p>negligent 139:17 141:10 142:1 neighbor 55:20 56:9 neighbors 52:12 54:2,3 55:10 56:1 160:16 171:16 172:1 nervous 117:13,19 118:4 net 36:11 67:9,12 69:20 112:20,21 nets 68:10 72:13 112:14 never 107:16 108:1,2,2,10 114:16 new 12:17 13:9 28:10,12 107:7 110:1,1 119:11,12 126:18 127:12 130:13 140:14 149:13 164:21 165:3 166:10,16 171:9 newcomer 85:19 newly 40:5 news 157:7 newspaper 75:11 nice 40:10 84:13 88:6 108:18 115:5 115:20,21 119:9 119:10 150:12 night 10:1 12:19 167:7 noaa 45:17 53:4 81:17 noise 137:8,16 138:3 non 26:18 30:10 51:7 105:20 nonstop 167:1 nor'easter 45:4,6</p> | <p>nordic 32:8 normally 37:7 north 15:4,8 91:16 northeast 45:4,7 137:12,18 northwest 45:1 notary 179:2,18 note 101:2 notes 23:14 179:6 notice 23:19 30:19 31:3 65:17,18,21 66:14 73:16 75:8 75:10,14 81:15 93:6 noticed 103:10 notification 81:14 notifications 75:15 notified 30:12 93:19 94:9 notify 75:16 79:15 notion 135:2 november 179:20 nrp 11:1 18:6 103:15 139:16 140:20 141:21 142:9 145:13,15 152:14 nuances 111:8 null 176:15 number 17:15 25:12 41:17 46:4 46:6 52:15,15 56:15 68:9 77:16 81:6 82:3,19 83:2 85:13,15 86:17,19 87:6,12,21 88:11 88:19 95:11 152:10 165:7,8 numbered 129:10 numbers 87:11 95:1</p> | <p>o o'clock 167:6 objective 39:1 50:4,16 158:18 observed 50:17 obstruction 82:5 83:6 obtaining 68:19 69:4 70:5 obviously 105:7 occurring 69:13 86:1 ocean 6:20 122:18 offer 48:16 172:8 office 68:15 71:12 78:1 81:18 officer 5:19 officers 103:15 104:7,15 145:15 official 73:13 152:1 officially 99:20 oh 54:8 102:9,10 105:13 120:18 124:19 168:1 okay 9:2 12:2 14:15 20:20 21:15 21:17 22:10 23:8 24:5 26:21 27:16 27:18 29:6 30:8 33:18 59:13 92:7 97:15,19 98:13 102:10 104:16 118:10 122:16 127:16 152:17 156:2 162:20 163:14 164:21 172:5 178:10 old 90:15 157:7,7 older 104:17 once 35:20 41:15 65:14,19 71:13 75:10,19 78:8,17 79:21 92:16 93:20</p> | <p>98:4 107:8 122:19 127:3 147:11,13 ongoing 149:13,18 online 68:20 94:1 131:4 onsite 82:16 onyx 113:12 open 50:20 75:21 opening 157:10 operate 6:19 64:17 65:4 67:8 67:12 70:19 137:15 operated 90:16 92:3 operating 4:21 66:21 102:1 operation 84:11 175:15 operations 7:1,3 157:1 opportunity 65:15 79:17 opposed 58:2 173:12 opposite 36:9 option 8:14,16,17 16:6,16 102:15,16 105:4 109:17 options 8:20 41:16 93:7 105:7 orange 83:7 105:2 105:6 order 2:3 68:14 101:11 104:1 106:12,15 159:10 organizations 6:2 71:17 organizers 166:4 166:8 orient 45:8 originally 31:14 orioles 100:5,13</p> |
|--|--|---|---|

| | | | |
|--------------------------|---------------------------|---------------------------|---------------------------|
| ought 27:8 156:21 | 86:4,8,10 95:13 | passionate 159:5,9 | period 35:7 65:11 |
| outcome 149:11 | 95:20 96:3,7,14 | patently 172:20 | 75:20,21 171:5 |
| 149:12 175:8 | 97:4 | pattern 174:4 | permission 50:13 |
| 179:12 | p | 177:21 | 50:14 63:14 147:5 |
| outcropping | p.m. 178:16 | patton 61:19 | permit 66:6,8 |
| 47:13 | pack 86:8 | 62:14 | 80:15 81:13 86:17 |
| outcroppings 59:6 | package 26:1,8 | patuxent 120:6 | 133:2 145:6,7,11 |
| outline 34:13 | packed 86:5 | 135:3 | 145:12 |
| outreach 98:8 | packet 7:18 | pay 168:21 | permits 80:2,3 |
| outside 14:8 72:6 | paddle 5:6 123:17 | paying 151:19 | permitted 64:4 |
| 99:5 | paddling 3:7 | peak 37:12 | permittee 80:18 |
| ovals 69:19 | 27:13 154:2 | pending 88:17 | permitting 86:16 |
| overall 5:5 74:13 | page 70:7 94:3 | 175:8 | person 2:5 5:5,13 |
| overboard 116:10 | 99:18 131:3,8,10 | penlick 138:11,12 | 26:11,12,13,14 |
| overhead 21:4 | 134:14 163:9 | people 17:5,6,9,10 | 28:7,7,10,12,19 |
| override 8:19 | 166:13 | 30:3,13,21 31:3 | 61:20 101:18 |
| 175:21 176:12,15 | pager 163:10 | 35:21 37:6 40:11 | 119:8 124:18,21 |
| 177:2,4 | pages 129:10 | 44:6 46:10 53:21 | 126:21 128:11 |
| overriding 164:2 | panic 38:6 | 55:9 58:5 87:3,21 | 134:20 137:15 |
| oversight 71:18 | paper 129:11 | 88:2 98:1 102:19 | personal 3:8 |
| overview 28:11 | parameters 74:16 | 103:19 109:9,21 | 160:13 |
| 33:8 60:17 | 74:18 75:2 | 112:19 141:1,3,14 | personally 151:4,9 |
| owned 55:10 | paramount 67:4 | 144:1,9,10,11,18 | 179:3 |
| 82:13 | parcel 3:14 | 145:16 146:7,10 | perspective 38:10 |
| owner 4:9,12,19 | park 19:10,12 | 149:19 152:15 | 38:10,14 39:16 |
| 39:8 41:16 51:18 | part 10:12 12:16 | 157:12,16 158:4 | 59:10 146:19 |
| 63:15 66:20 77:11 | 13:6,15 20:2 | 159:8 161:4 165:7 | pertain 63:12 |
| 79:4 | 65:18 74:14 | 167:11,20 168:3 | petition 12:17 |
| owner's 50:13 | 105:10 116:21 | pepco 138:11 | 15:17 26:9 76:5 |
| owners 3:13 28:4 | 119:1 155:15 | pepe 6:3,3 23:21 | 77:18,19 158:4,9 |
| 34:9 37:16 38:21 | 157:3 163:13 | 24:18 25:1 29:6,7 | 158:11 161:2 |
| 48:1 66:1 75:15 | participate 150:1 | 29:11,21 30:6 | 163:3 170:19 |
| 172:1,2 173:5 | particular 25:7 | 53:12,13 54:6,11 | 174:20 175:2,13 |
| ownership 37:18 | 137:5 | 55:7 56:10 111:12 | 177:9 |
| owns 28:5 56:14 | particularly 54:21 | 122:3,16 150:3,4 | petitioner 10:4 |
| oxford 6:3 53:14 | 161:1 | percent 36:16,18 | 12:8,15 28:4,5 |
| oyster 6:16 61:7 | parties 179:11,12 | 37:18 85:16 89:6 | 78:3 158:3 162:21 |
| 61:10 62:7,13 | partners 51:6,7 | 102:12 112:1 | petitioner's 14:17 |
| 63:21 74:21 75:17 | parts 36:8 65:7 | perception 40:1 | 161:7 |
| 83:20 84:1 85:8 | pass 161:14 | perfect 51:13 | petitioners 9:9 |
| 91:21 95:16 146:2 | 174:15 | 111:19 138:2 | 160:4,11 |
| oysters 62:7,12 | passed 31:21 | 170:4 | pdf's 156:3 |
| 64:2,21 80:11 | 32:13 129:6 | performing 35:12 | phase 92:16,16 |
| 83:17 85:3,5,10 | | | |

| | | | |
|--|--|---|---|
| <p>phenomenal 154:14 170:1</p> <p>phenomenon 34:18 35:4 57:6</p> <p>phillips 91:11,14</p> <p>phone 44:9 52:14 52:16 152:10</p> <p>phones 2:17</p> <p>photo 69:7 99:15</p> <p>photos 81:2,20</p> <p>pick 52:16 117:3</p> <p>picnic 128:6,7</p> <p>pictorial 107:11</p> <p>picture 10:6 34:11 62:11 70:6 82:12 84:12,21</p> <p>pictures 37:8 43:1 43:2,5 62:8 83:10 140:7 141:2 143:16 144:8,17</p> <p>piece 55:11 96:15</p> <p>pier 19:2 23:3 29:2 56:3</p> <p>piers 15:13</p> <p>pile 121:17 132:21</p> <p>piling 145:4</p> <p>pilings 147:21</p> <p>pink 11:3,8,20 12:3,8 13:8,18 14:1,5</p> <p>pipe 82:15 83:15</p> <p>place 7:21 35:15 51:19 82:5 100:21 133:14 136:11 139:21,21 143:3 146:1 148:1 150:12 179:4</p> <p>placed 101:11 145:21</p> <p>places 9:12 134:19</p> <p>plan 48:21 49:3,13 50:2</p> <p>planning 39:9 48:20 50:9 66:21</p> | <p>plans 50:1 61:6 73:17,18,18</p> <p>plant 61:6 84:15 84:18 95:17 96:4</p> <p>planted 69:18</p> <p>plastic 83:20</p> <p>plate 144:3</p> <p>played 100:7</p> <p>playing 100:6,9</p> <p>please 2:17 4:6 11:13 21:6 123:17 164:21 165:1 177:17</p> <p>pleasure 129:3 167:14</p> <p>plenty 156:8</p> <p>plugging 111:9</p> <p>point 17:18 21:19 27:21 28:8 30:11 39:1 48:13 55:4 55:21 56:2,7 57:1 85:4 92:17 93:11 95:18 125:9 127:14 147:11 153:1,12 154:5 156:8 161:11 174:4</p> <p>points 78:17 147:8</p> <p>pole 143:4</p> <p>police 80:9 98:7</p> <p>polluted 69:16</p> <p>pollution 67:16 73:1</p> <p>polygons 69:11,17</p> <p>pond 9:16</p> <p>pontoons 84:2</p> <p>pool 121:19,20</p> <p>portion 78:18</p> <p>position 38:16 54:9,11,20 93:1 160:20</p> <p>positions 112:19</p> <p>positive 46:4 47:4</p> | <p>possession 80:7</p> <p>possibility 8:18</p> <p>possible 41:1 57:9 59:5 64:20 72:17 77:20 177:19</p> <p>possibly 47:12 59:7 92:4 101:14 147:4</p> <p>post 71:7 99:17</p> <p>posted 161:15</p> <p>poster 76:12</p> <p>potential 68:17,18 72:21 88:1</p> <p>potomac 95:8 130:6 132:15,15 138:8 139:6</p> <p>pots 146:20</p> <p>pound 67:9,12 69:20 72:13</p> <p>pounds 127:5</p> <p>power 5:21 25:9 25:10 136:17 138:8,16 141:17 143:10</p> <p>powerboat 5:13</p> <p>powered 25:6</p> <p>practice 108:12,13</p> <p>practices 82:2</p> <p>precedent 55:18 58:12</p> <p>predecessors 58:5</p> <p>preliminary 92:15 93:5</p> <p>prepare 117:20</p> <p>prepared 60:17 158:1</p> <p>preplanning 65:8 66:16</p> <p>preponderance 159:12</p> <p>prepping 159:3</p> <p>prerogative 102:11</p> | <p>presence 179:10</p> <p>present 35:21 79:3 80:15 98:4 124:8 169:10</p> <p>presentation 33:17 119:1</p> <p>presented 90:11</p> <p>president 6:1</p> <p>pretty 15:9 19:1 36:13,17 37:8 45:13 46:12 52:5 105:18 106:10 108:18 125:4 165:13</p> <p>prevailing 164:8</p> <p>prevalent 35:20 36:6</p> <p>prevent 92:19</p> <p>previously 72:15</p> <p>prfc 69:15</p> <p>primer 34:17</p> <p>print 129:8 132:17 140:18</p> <p>printed 140:14 179:7</p> <p>prints 140:20</p> <p>prior 79:14,16</p> <p>priority 91:6</p> <p>private 37:19,19 54:16 63:20 81:5</p> <p>privilege 77:8</p> <p>probably 25:21 32:11 36:16 37:17 38:13 45:13 93:2 93:16 97:11 107:2 128:17 133:13 140:7 141:5 154:15 176:16</p> <p>problem 35:3,15 35:17 38:1,2 44:15 51:17 52:5 96:10 149:21 153:5 165:19</p> |
|--|--|---|---|

| | | | |
|-------------------------|---------------------------|--------------------------|---------------------------|
| problems 152:14 | 79:11,19 | proximity 92:2 | push 110:2 126:16 |
| proceed 29:3 | projects 35:9 48:9 | public 3:1 22:12 | 143:4 |
| proceedings 2:1 | 48:10 49:2 60:11 | 62:19 63:18,19 | put 21:3,18 30:19 |
| process 34:20 | 61:13 70:12 72:19 | 64:8 65:17,18,21 | 35:5,6 45:18 61:7 |
| 60:13,14 64:14 | 74:3,20 | 66:2,14 67:5 | 65:1,21 67:1 |
| 65:3,4,16,18 66:8 | promise 98:20 | 70:19 73:16 75:8 | 75:12 82:18 83:19 |
| 66:11,14 70:15,16 | promote 99:3,3 | 75:10,20 76:4,7,9 | 93:6,21 105:14 |
| 70:18 72:2 73:10 | properly 81:19 | 76:20 77:7,9 82:4 | 109:1,5 110:4,5,6 |
| 74:7,8 75:8 77:21 | properties 60:16 | 83:6 92:12 93:1,6 | 110:9 111:6 118:7 |
| 86:16 88:15,18 | 168:21 | 93:15,17 94:2 | 118:13,14 120:3 |
| 92:10,13 93:8 | property 4:8,19 | 96:12 100:2,12 | 120:11 132:21 |
| 94:4,8 102:2 | 34:9,10 36:8 | 131:20 133:20 | 134:5 138:20,21 |
| 107:7 134:15 | 37:16,18 38:21 | 134:21 135:13,14 | 139:3 141:3,12 |
| 149:18 157:11 | 39:8 40:7 41:16 | 135:19 136:17 | 143:9,14 145:4,5 |
| 174:6 | 46:11 47:21 48:17 | 139:8,11 140:19 | 145:7,8,12 146:17 |
| producing 86:10 | 50:10,12,13,14 | 141:9 148:14 | 156:21 158:10 |
| 88:7 | 51:18 53:21 54:2 | 150:8 151:8 | 166:3,4 168:5 |
| product 61:12 | 54:3,12,16,17 | 170:18 177:11 | puts 49:16 |
| 79:18 81:11,16 | 55:1,9,11 56:14 | 179:2,18 | putting 31:6 35:5 |
| 87:18 88:8 96:13 | 56:18 57:6 67:3 | publishes 141:7 | 48:9 107:7 136:6 |
| 102:17 104:6 | 79:6 | puddle 120:21 | 146:5 147:1 |
| 106:16,19 111:18 | proposals 162:12 | 121:5,5,7,13 | pvc 82:15 83:15 |
| productive 4:11 | proposed 7:19 | pull 62:7,17 84:6 | q |
| professionally | 75:18 76:11 | 108:3,21 109:1 | quality 67:13,17 |
| 167:8 | 142:15 148:12 | 110:8,12 111:6 | quarry 9:12,13 |
| profile 42:15 | props 99:2 | 116:12 117:10,17 | 10:10 |
| program 6:10 | prospective 50:19 | 118:2 121:11 | quarter 24:2 |
| 34:5,7 43:16 | 65:8 | 127:19,20 145:14 | question 15:2,16 |
| 128:1 | protect 79:20 | pulled 108:1,2 | 16:14 17:20 25:4 |
| programs 44:18 | protected 72:18 | 110:18 | 50:21 66:13 92:9 |
| prohibit 68:19 | protecting 64:2 | pulling 17:9 | 107:20 122:17 |
| 70:5 79:3,9 | protection 64:5 | 108:15 112:14,17 | 123:18 130:18 |
| prohibited 67:13 | protest 76:5 77:18 | 112:20 | 145:3 150:15 |
| 78:7 | 78:3 89:18 | pulls 84:20 | 162:6 176:13 |
| prohibitions | protests 66:10,10 | punctured 108:20 | questions 8:10 9:1 |
| 69:12 | protocol 157:9 | purchasing | 10:10 14:15 20:21 |
| project 20:7,13 | proud 70:17 98:19 | 106:17 | 23:6,8 24:4 27:4 |
| 49:6 58:18 66:3 | proudly 100:10 | purple 69:17 | 27:17 29:5 30:7 |
| 73:16,17 74:1,8 | provide 34:7 48:8 | purpose 148:10 | 39:18 48:5 52:7 |
| 74:17 75:7,10,12 | 71:19 73:6 81:10 | purposes 78:20 | 60:20 89:2 92:8 |
| 75:16,18,21 76:2 | 81:14 | pursue 65:12 | 94:17 97:7 114:12 |
| 76:3,7,10,11,13 | provided 57:10 | 149:14 | 122:3 124:9 |
| 76:15,18,20 77:7 | provides 63:7 | purview 163:2 | 130:11,14,21 |
| 77:11,14 78:3 | | | 148:3,5,7 154:3,4 |

| | | | |
|---|--|--|--|
| 158:13 quick 70:6 78:14 83:9 88:10 118:12 123:18 125:10 quickly 17:10 101:6 171:3,4 176:18 quite 47:12 48:3 48:11 65:2 70:17 90:9 95:11 161:6 quo 171:8 quote 56:2,9 | 113:15 rates 48:11 ratio 144:15 raw 96:15 reach 127:13,19 reached 76:17 reaching 100:11 151:7 reactions 126:2 reacts 125:15 read 7:18 58:15 104:14 106:16 125:5,6 132:10 134:5 137:10 143:20 145:1 153:7,8 reading 103:16 104:4,17 138:1 148:10 readings 74:19 75:4 ready 97:17 99:12 116:1,1,2,6,7,10 116:14,18,18 118:6 real 16:3 19:4 31:2 86:14 87:20 89:17 95:15 106:15,19 116:15 118:11 157:5,10 reality 171:13 realize 168:9 realizing 104:5 really 20:1 38:11 38:14 43:17 47:1 47:2,18 56:8 60:4 62:3 70:3 74:7 87:19 89:16 93:11 95:14,14 96:17 98:15 99:11 100:8 102:2 107:5 114:4 116:21 120:15 122:7,8 126:7,15 126:15 139:2 | 152:19 157:4 159:16 160:14 161:16 167:13,19 reason 42:12 112:12 148:19 157:5 163:21 164:17,18 173:19 reasonable 32:11 recall 15:17 22:9 receive 77:19 88:11 94:4 received 71:14 87:17 93:16 receiving 87:17 reckless 142:1 143:9 144:6 recognize 157:4 166:18 177:17 recognizing 70:18 171:16 recollection 32:6 recommend 31:6 147:9 160:14 recommendation 10:16 139:4 147:6 148:19 159:20 recommendations 138:18 148:12 recommends 143:2 record 163:12 recorded 2:14 164:6 179:6 recreational 106:9 122:7 red 10:1 72:3 116:19 119:20,21 120:2 127:4,6 145:21 redo 129:15 reduce 67:2 68:14 92:6 reef 75:1 | refer 107:12 reference 46:3 136:1,4,5,8 138:8 referenced 141:4 references 137:3,6 referendum 150:9 referring 151:8 regard 102:4 regards 100:19 107:16 regatta 166:8 regattas 166:8 region 3:5 registered 67:9 80:20 registration 80:18 regs 80:14 regular 40:3 110:7 131:1 144:17 168:4 178:2 regulate 146:20 regulated 141:10 173:14 regulates 138:9 regulation 7:10 14:3 24:14 25:5 29:9 63:17 100:20 101:2 129:6 130:13,15 131:8 132:10,17 134:7 135:9,17 136:18 137:4 139:13 141:13 142:15 143:3 146:6,12,21 147:3 149:16 153:4,7,13 154:6 157:21 159:11 171:1,2 regulations 9:17 63:5 64:18 129:9 129:14,15,16 131:13,19 134:13 135:1,20 138:9,12 140:14,16,18 |
| r | | | |
| race 145:20 165:5 166:3,5 racing 133:17,18 133:19 134:6,12 165:21 166:12 radio 152:9 railing 140:4 rainfall 87:9 raise 85:2 86:9 raised 6:17 15:18 76:16 87:18 91:17 140:3 raising 29:15 ramifications 30:4 ramona 4:7,8 13:8 13:11,15,18 14:14 15:14 18:11 19:5 20:14,17,20 27:2 27:9,11,16 66:13 89:21 92:9 94:12 94:15 97:3,6 141:7 148:8,9 149:10 150:8 156:12 161:16 166:19 175:16,18 176:1 177:9 178:4 ramp 19:10,12 range 74:4 95:4 rap 28:6 rate 36:14 69:20 102:13,17 111:21 | | | |

| | | | |
|--|--|--|---|
| 141:4 144:4 145:2 147:15,21 148:13 148:17 149:4,6 150:6 153:2 156:9 172:11 regulatory 2:8,13 4:1 131:11 reilly 7:19 reject 164:19 rejected 175:4 rejecting 163:20 163:21 related 33:14 60:9 60:18 63:18 162:16 179:12 releasing 118:12 relevant 54:21 remain 7:21 9:13 171:18 remains 76:18 remember 20:4 24:11 remembers 129:13 remiss 166:18 remove 9:5 30:10 rental 168:21 repealed 137:2,5 replace 9:6 82:16 108:8 replacement 169:3 report 8:2 150:20 151:1 165:12 166:13,14 reported 1:21 reporter 2:15 reports 95:5 represent 3:5 173:15 representatives 178:6 request 4:1 10:12 10:18 11:15 13:6 | 13:16 17:21 18:6 26:16 29:8 30:5 75:6 76:3,8 83:3 139:15 140:6 150:17 155:13 157:20 requested 12:8,15 31:16 92:12 requesting 14:16 24:7,15 27:20 28:2,5 requests 2:8,13 7:10 148:13 162:16 require 52:3 required 79:15 80:17 82:18 83:8 108:12 requirement 65:17 81:20 104:2 requirements 63:13 64:12 67:14 105:11 research 30:15 34:9 111:15 113:7 131:2 139:18 researched 134:17 reserve 63:21 reserved 63:19 67:12 reside 131:19 134:2 residents 28:15 resides 155:4,5 resolution 172:4 176:21 resolve 78:4 155:2 resolved 76:18,19 resource 70:19 72:5 92:18 resources 63:3 70:10 77:1 80:9 98:7 113:5 167:12 | respect 3:16 159:9 166:11 171:20 respects 166:14 responsibility 64:1 71:17 166:4 responsible 107:13 166:1 177:3 rest 2:19 30:3 61:15 109:3 restoration 69:18 72:13 restrict 159:21 restricted 25:12 67:13 69:16 135:4 135:10 138:3 restricting 164:3 restriction 9:6 10:3 30:10 32:7 32:12 160:5 163:1 restrictions 22:4 70:13 162:15 results 8:3 resume 97:15 retire 39:9,11 retired 40:11 retirement 168:15 retires 151:18 retiring 151:15 167:17 reveal 43:6 revetment 35:10 revetments 35:5 36:1,2 review 2:16 65:7 65:20 71:1,4,5,15 72:5 73:10 74:14 74:15 92:15,16 93:5,6,10 143:5 150:6 174:2 177:7 reviewer 51:16 reviewing 60:10 63:9 65:6 | reviews 150:14 revise 175:14 revised 157:9 revision 7:20 rewrite 150:11 rhode 82:21 rhodes 56:16 ribs 110:11,14,16 115:18 ridden 176:10 ridiculous 167:7 riding 130:8 139:11,19 140:1 142:8 143:3,10 rig 62:14 rigging 102:20 right 10:13 11:6 11:15,16 12:17 14:1,11,13,20,21 17:6 18:20 20:16 21:8,9 22:8,11,18 25:16 40:2 41:2 42:4,20 45:20 49:9 50:6 57:8 62:10 77:8 79:4 83:3,21 87:5 88:10,16 89:12 91:1 95:14 101:14 102:17 103:18,20 104:6,10,14 105:16 106:2,17 108:18 110:7,8 111:2,4,7 114:16 115:20 117:12 118:2 119:14 122:2 126:6,13 128:14 130:2 133:6,20 141:18 141:19 142:13,17 145:15 146:1 150:20 151:2 153:17 168:2 170:11 174:21 176:7 |
|--|--|--|---|

| | | | |
|---|---|---|--|
| rights 54:13 55:12 56:2 ring 122:13 ringer 171:11 rip 28:6 riparian 56:2 60:16 63:15 79:6 rips 109:20 rise 9:7,8 87:14 88:2 rising 53:18 risk 84:9 river 2:9,11,11 6:18 14:16 24:6,9 27:14,15,19 30:11 31:13 32:5 34:11 56:16 58:10,19 59:10 82:14,21 89:19 95:8 120:6 120:9 121:16 130:6 132:15 133:5 135:3 137:13,14 138:8 139:6 152:13 154:13 155:5,7 160:7 161:9 rivers 137:20 147:16 road 79:6 93:3 173:9 rob 82:21 robin 5:8,8 56:11 56:12 119:13,18 128:2 151:10 153:19 155:18 rock 39:2 rocked 26:18,19 rocks 35:6 120:9 role 160:12 rolled 142:19 rooms 2:19 roscher 6:15 rosher 6:14 33:10 33:13,16 59:19,21 | 66:15 89:9,11,20 90:9,20 91:13 92:1,8,14 94:14 94:16,21 96:10 97:5,9 round 8:8 rounds 8:7 route 17:1 121:15 routinely 91:3 row 153:21 154:20 155:3 rowers 133:8 rowing 132:5 133:3,7,14 153:21 154:1,6,9,14 155:16 rpr 1:21 rubbing 108:14 rule 150:13 165:21 rules 54:21 55:4,5 55:5 136:7 154:20 155:5 165:18,19 165:20 ruling 78:9 run 15:9,11 17:11 84:8 running 5:11 48:7 runs 22:19 31:19 russ 5:14,14 22:15 22:16 32:3 89:3 89:10,12 90:19 91:8,19 92:7 94:19 96:6,20 122:4,10 128:19 178:7 | 166:1,11 sail 6:1 140:8 141:14 sailboat 4:16 5:13 120:8 165:5 166:11 sailboats 141:15 sailing 3:9 165:14 165:16,16,17,18 sailor 5:3 sale 50:15 salinities 95:9 salinity 87:13 95:12 96:16 97:3 samples 71:7 sanctuaries 63:21 74:21 sand 38:6 39:3 43:21 48:12 56:17 sandy 38:18 125:9 satisfy 17:17 saturday 24:9 32:6,17,18 sav 64:4,5 67:8,8 72:12 74:21 save 18:16 126:13 126:14 127:8 saving 127:6 saw 95:2 104:12 118:8 121:16 125:4 171:15 saying 39:10 42:12 137:20 141:3 142:6,7 146:14 148:15 153:16 156:2 163:12 172:4,16 says 39:9 58:13 64:11 104:10 105:18 106:2,12 117:3,4 124:17 135:4,8,9 137:10 137:11 147:3 152:14 153:20 | 162:20 sb 166:21 170:16 174:19 175:8,17 177:6 scar 37:11 scary 126:7 schedule 20:13 174:19 school 22:21 105:5 sciences 36:12 screams 28:13 screening 60:13 60:14 74:16 screw 24:7,16,19 24:20 sculls 133:19 sea 53:19 seafood 17:4 search 144:18 season 30:11 31:18,18 32:10,20 98:17 108:8 114:2 120:4,13 seat 140:2 seats 140:3 second 75:19 157:19 175:10 178:13 secret 168:7 secretary 31:21 148:12,15 151:10 151:11,12,14 159:21 section 63:6 74:6 75:14 132:2 139:12 145:1 154:7 sectional 73:21 sections 129:18 131:13,17 155:1 see 12:3 14:8 20:5 26:9 30:3 34:15 35:11,13 38:6 41:14 42:15,15 |
| | s | | |
| | safe 3:11 99:20 101:11 113:3,14 113:18 safety 64:8 97:18 98:8 110:15 114:10 120:16 127:4 144:13 | | |

| | | | |
|--|--|--|--|
| 43:12,21 44:3 50:5,7 51:1 56:13 56:17 69:10 73:11 74:10 76:16 88:1 88:4,4 94:10 95:2 96:1 98:21 100:14 103:10 107:5,14 107:14 108:5 115:21 117:3 120:20 128:17 131:14 138:20 149:5,21 158:19 158:20 172:3,18 174:9,12 seed 61:7 95:17 96:3 seeing 31:1 44:9 47:20 166:6 seen 57:2 87:20 88:5,6 95:12 120:21 124:15 133:8 segway 123:6 self 109:8 sell 39:1,2 seller 50:19 selling 96:14 161:7 senate 7:16 8:18 167:2 175:20 176:6,8 senator 7:19 send 71:3,14 73:12 75:14 94:14 162:2 164:10 170:12,14 sense 31:20 47:8 67:10 134:4 138:2 144:9,12,12,21 sensitive 72:18 sent 9:9 26:8 158:3 separate 157:2 | seriously 3:16 serve 70:15 170:2 service 34:4 43:18 75:13 100:2,12 services 6:13,17 60:3 session 18:6 76:13 151:5 166:20 set 2:18 9:7,7 42:11 50:1 64:1 76:12 77:21 84:18 96:2 147:12,14 170:9 179:4 setback 63:13 68:1 setbacks 63:17 sets 69:20 setting 77:1 seven 169:12 severely 28:20 severn 133:5 155:7 shallow 19:1,4 62:6 shame 51:12 share 34:16 50:17 50:18,18 58:7 158:3 178:8 shared 163:7 sharp 88:4,5 sheets 45:17 shell 17:5 61:6,7,8 82:9 84:16,17 85:1 86:2 sheller 4:18,19 16:19 19:14,15 31:10 52:18,19 53:6 117:7 124:14 124:15 125:13 126:6 145:18 152:21 162:10,11 163:9,12 164:13 shellfish 60:7,10 60:18 61:1,11,15 | 63:4,6,18 69:4 78:19 80:3 86:15 89:1 shells 133:19 shoes 105:5 169:17 shooting 17:9 shop 50:6 73:12 129:8 shore 29:2 73:4 107:12,12 178:6 shoreline 6:10 21:13 33:19 34:4 35:6,8,18 37:2 38:13 39:20 41:11 43:7 44:11,12,13 45:8,16 46:3 47:18 51:19,20 52:2,3,21 53:18 63:14 92:2 158:8 162:16 163:14 shorelines 36:17 short 88:2 shot 62:16 shots 73:20 show 28:10 44:7 46:15 74:11 82:7 103:11 107:11,15 117:1 161:4 shows 80:8 shuck 96:13 shy 41:13 side 15:4 47:5,8 62:16 87:15 104:3 112:20 122:8,9 162:14 167:9 173:7,7 sides 20:3 177:12 sign 8:13,16 28:7 94:4 133:1 145:4 151:20 152:12 172:10 signage 82:11 83:1 | signature 7:17 8:6 179:16 signatures 14:18 28:2 signing 174:6,10 signings 8:7 33:4 signs 145:17 148:1 similar 61:10 62:18 157:10 similarly 149:7 simonson 7:5,5 100:18 101:7 131:5,15 144:14 169:4 simple 52:13 138:15 simply 159:5,8 single 24:20 98:20 sink 84:8 123:15 sit 42:18,20 143:5 site 2:16 23:18 37:17 38:12 39:7 41:18 42:10,11,17 43:13,14,17 44:5 44:17,17,21 46:7 46:16,18 47:16 51:15 52:2 58:16 58:20 59:2 65:11 69:6 71:9 74:13 75:13 78:21 79:8 84:14 157:19 161:15 sites 45:6 49:1 67:9 75:1 136:18 siting 63:12 69:1 sitting 14:21 91:20 104:3 159:7 situated 149:7 situation 46:13 49:16,19 51:17 53:14 55:20 79:12 80:13 164:2 six 9:5,7,13,17,17 10:1,2,2 12:10,14 |
|--|--|--|--|

| | | | |
|--|--|--|---|
| <p>12:19 14:17 15:1 15:5,10 22:8 23:5 24:7,9,10,15,15 25:15,17 27:20 28:1,2,6 29:3 30:10 31:14 32:14 32:15 66:9 83:13 121:16 127:8 135:4 163:11 size 25:8 83:19 86:6 115:9,16 sizes 86:2 ski 28:18,20 29:19 106:9 146:16 155:1 170:20 171:14,17,20 173:13 175:14,15 177:8 skier 171:20 skier's 174:20 skiers 172:21 173:11,12,15,16 177:10 skills 48:21 101:1 skin 143:6 skinny 9:12 skull 133:18 154:9 sleeves 142:19 slide 35:21 44:19 46:11,18 77:21 78:14 86:12 131:6 131:7 134:4,14 135:20 136:10,16 136:21,21 137:7 138:7,18 139:11 146:6,19 147:13 148:3 slides 52:19 60:19 73:17 slight 36:18,19,19 37:3,4 114:11 slow 18:18 36:5 slowly 119:5 125:3,3</p> | <p>small 25:11 27:12 27:12 51:9 173:11 173:15 smaller 19:6 26:17 86:7 smith 18:15 34:21 smokes 144:15 snap 99:15 snapshot 85:12 snuff 100:20 111:11 snug 115:4,5 social 100:2 society 6:4 software 42:19 43:15 74:19 sold 138:10,17 sole 3:14 solomons 25:10,11 25:20 solution 41:19 solve 44:8 solved 52:5 somebody 39:3 42:21 67:11 117:3 117:3 128:3 134:10 142:4 151:2 156:13 159:17 164:4,15 someone's 49:17 somers 15:1 20:16 22:7,13 somewhat 87:9 soon 23:19 101:14 177:18 sorry 2:6 4:4 7:13 25:7 29:6 31:11 33:1 41:12 101:16 122:15 157:7 163:6 169:4 sort 99:2 140:21 156:10 165:15 sound 69:10 70:2 172:15</p> | <p>soundings 124:15 124:16 sounds 52:10 92:10 sources 67:16 73:1 south 6:18 17:8 34:11 58:10,19 59:10 121:16 161:9 southern 4:20 95:6 southwest 45:1 space 155:17 spat 61:7 84:17 85:1 spawn 95:21 96:1 speak 33:7 173:8 special 81:12 103:20,20 106:1 130:1 132:3,5 133:16 136:13 specialized 129:21 136:14 species 72:18 specific 63:11 64:19 77:8 99:12 138:17 specifically 10:21 125:6 speech 126:1 speed 14:13 21:21 136:15 138:21 145:8,16 154:18 155:13 156:3 160:6 162:15,21 spend 41:2,5 168:19 spending 39:12 spent 90:9 167:1 spike 87:20 88:4 88:21 spin 127:2 spirit 173:7</p> | <p>spoiled 123:21 spoke 90:21 spoken 17:14 57:19 spot 12:14 99:1 sprayed 112:18 spread 103:5 121:19 122:1 123:18 spring 1:4 30:13 38:4 98:16 spurs 20:1 square 14:6 squeeze 118:17 st 69:9 70:2 84:11 95:6 stabilize 15:21 16:7 83:16 stabilized 84:16 stabilizing 16:16 staff 6:7 65:9 74:18 76:14 113:21 114:3 stage 18:20 90:2 stakes 82:11 stance 145:10 stand 44:12 47:2 123:17 174:11 175:1 standard 104:20 106:6 139:20 standardize 107:9 standardized 129:16 standing 63:2 99:7 121:14 170:19 standpoint 92:18 stands 106:14 131:11 start 3:21 7:9 40:12 98:16 111:17 113:8 146:5 157:17 161:17</p> |
|--|--|--|---|

| | | | |
|---|--|--|--|
| <p>started 23:16 138:4 145:20</p> <p>starting 53:17 79:14 81:15 98:18 99:19</p> <p>starts 47:14 88:20</p> <p>stash 124:13</p> <p>state 3:5,20 7:6 20:11 51:6 53:7,9 54:4,15,16,20,20 56:12 60:2 61:2 66:5 68:3 70:11 71:15,19 73:18 78:19 81:20 121:9 121:21 133:1 139:21 140:5 141:15 143:18 144:4 145:5 146:13 173:12,14 179:1,2</p> <p>state's 3:11,13 54:11</p> <p>statement 43:3 64:11</p> <p>statements 176:17</p> <p>states 113:4 144:1 145:2</p> <p>statewide 85:14 132:7 147:14,15</p> <p>stating 76:5</p> <p>station 20:15 152:9</p> <p>status 55:15 94:8 171:8</p> <p>statute 55:3</p> <p>stay 12:18 120:1 132:6 147:16</p> <p>staying 88:8 168:17</p> <p>stays 89:14 111:7 175:19 176:1</p> <p>steady 87:19 88:6</p> <p>stealing 80:10</p> | <p>stem 2:11 24:6 31:20</p> <p>stenographer 2:15</p> <p>stenographic 179:6</p> <p>stenographically 179:6</p> <p>step 71:1 118:10 169:9</p> <p>stepping 151:6 156:11</p> <p>steve 4:15,15 10:10,11,18 21:2 21:7,15,20,21 25:18 27:2,3 54:19 55:17 57:19 59:9 114:13,17 115:1,3,5,15,18 115:21 116:1,4,7 117:5,7,9,11,17 118:3,9,10,13,19 119:3,5,8,11,17 119:20 120:1 123:20 142:5,10 142:13,19 149:1 149:12 150:4 155:10 158:7 159:19 160:19 161:10 165:2 170:9 175:9 176:11,20 177:13 178:12</p> <p>steve's 114:18</p> <p>stick 151:4</p> <p>stickers 107:15</p> <p>sticking 98:10</p> <p>stipulations 179:9</p> <p>stock 95:19</p> <p>stomach 111:1</p> <p>stop 35:4 120:11 142:16 149:6</p> <p>store 119:13</p> <p>stores 107:16</p> | <p>storm 9:16 84:10 165:6</p> <p>strike 50:8</p> <p>striped 68:11</p> <p>strives 3:18</p> <p>struck 16:3</p> <p>structural 35:10 35:11,14</p> <p>structure 56:5 156:10</p> <p>structures 59:6</p> <p>study 8:3 18:7 58:9,14,15 59:11 171:5</p> <p>stuff 33:13 43:6 43:11 45:16 47:13 52:3 128:7 135:15 136:11,13 148:14 153:6 157:18 162:19 168:5</p> <p>style 103:12 105:2 106:9 114:8</p> <p>styling 121:2</p> <p>subcommittee 147:9 152:2</p> <p>submerged 61:4 61:18 62:9,11 67:6 72:12 82:6 84:14 85:17 86:1 86:2</p> <p>submit 65:12 71:13 77:17</p> <p>submitted 71:7</p> <p>subramanian 6:9 33:20,21 52:13 53:1,8 54:5,8,14 56:20 58:9 59:12 59:15</p> <p>succeed 65:15</p> <p>success 49:7</p> <p>successes 51:11</p> <p>successful 56:8 65:13 76:21</p> | <p>suffered 156:17</p> <p>suffers 37:2</p> <p>suggesting 172:13</p> <p>suggestion 158:16 160:11</p> <p>suggestions 2:20</p> <p>suite 41:16</p> <p>summarize 11:12 31:12</p> <p>summary 71:20</p> <p>summer 18:6,8 30:13 31:4 171:4 171:7</p> <p>summertime 23:1</p> <p>sun 9:7,7,7,8</p> <p>sunday 24:9 32:7 32:17,18</p> <p>sunk 165:8</p> <p>sunset 8:5</p> <p>supercool 100:8</p> <p>supervise 80:19</p> <p>supervision 80:17</p> <p>support 17:16 84:17</p> <p>supporting 90:13</p> <p>supposed 80:7 123:1 128:19 150:5</p> <p>sure 16:20 23:19 31:9 42:10 44:6 46:12 65:13 68:2 70:20 71:2 79:14 81:18 82:4,7 94:16 96:12 100:3 103:6 109:4,19 116:15 127:9 137:21 150:7 152:18 157:16 158:17 160:12</p> <p>surface 61:16 62:5 84:3</p> <p>surfing 3:8 136:17</p> <p>surpass 95:2</p> |
|---|--|--|--|

| | | | |
|---|---|--|--|
| <p>surprise 17:16 surprised 158:6 survey 73:13 surveyor 6:4 surveyors 6:5 survive 88:3 suspend 84:3 suspender 103:12 suspenders 103:14 swails 52:5 sweeping 165:13 sweet 119:3 swim 146:8,9,16 swimmer 4:9 swimming 3:9 125:2 128:20 146:13 152:16 system 125:19</p> | <p>102:5 128:18 129:8,19 130:4,8 131:21 134:13 135:13 144:2 147:9 148:20 154:10 161:3 talked 39:4 67:6 72:14 95:10 133:4 136:3 141:16 talking 9:10,14 24:1 27:11 37:10 39:10 40:12 41:13 51:13 53:10 97:1 98:14 107:17 113:2 125:7 127:15 130:5 135:6 160:9 164:12 tall 127:20 tangier 22:17,19 target 70:1 targeting 66:19 68:17 tasked 152:1 taste 96:18,18 taught 127:6 tawes 17:15 teach 127:18 team 100:17 101:6 155:16 tears 109:20 technical 34:8 technology 43:10 44:15 teeny 112:5 telephone 52:15 tell 36:4 39:15 40:1,4 41:1,3,4,7 41:13,15 48:19 49:5,6,14,19,19 50:1 51:21 53:3 54:19 78:13 110:21 116:5 142:20 161:12,12</p> | <p>telling 42:4,16 45:11 46:19 109:21 116:13 147:2 168:18 tells 45:15 46:2 47:5,12 48:10 146:21 template 162:19 ten 79:6 88:21 97:5,6 169:13,14 169:15,16 term 40:12,15 53:16 88:2 156:1 terminologies 132:16 139:8 terminology 129:16 147:19 terms 16:14 48:20 156:3,3 160:10 terry 82:21 test 31:18 111:19 testimony 11:1 78:8 90:6 158:20 171:21 text 78:15 thank 8:21 14:14 18:10 19:5 22:10 26:21 30:6 32:21 33:21 56:10 59:14 59:15,21 92:7 94:15 97:1,8,9,21 98:3 101:7 106:13 120:17 124:6 129:2 152:18 160:18 162:6 167:13,15 168:7 168:14 170:4 174:15 178:14 thankfully 113:13 thanks 21:19 27:16 92:8 152:7 theirs 108:3 themselves 173:9</p> | <p>theory 150:4 thing 34:17 44:11 57:5 58:1 89:4 98:14 99:9 100:15 102:5 106:2 109:21 110:20 111:5 112:5 113:16 116:19 117:13 120:18 122:2 126:18,20 127:9,16 130:9 132:21 134:16 135:4 141:17 144:12 146:3,10 152:8 154:10,15 155:8 156:11 159:8 163:9 171:12 things 27:5 37:5 37:14 39:18 40:8 40:19 41:9 42:4,7 44:1,20 47:17,20 49:15 58:20 59:8 63:11 68:10,12 69:8 72:14,15 73:2 74:4,20 89:7 90:12 102:3 107:4 121:10 128:12 129:17,21 130:4,7 132:1,4,20 133:4 133:9,16 134:4 135:21 137:2 138:7 140:3,4 141:2 143:17,21 146:2 147:18 149:8 151:8 156:18 160:19 163:5 165:18 166:17 think 19:19 20:3 21:5 25:18 31:4 39:14 41:19 48:5 48:19 49:3,14,20 50:6 51:21 58:17</p> |
| <p>t</p> | | | |
| <p>t 45:17 table 42:18,21 117:8 162:14 tack 15:10 tactics 111:11 take 2:21 37:21 46:7 48:16 49:7 49:14 50:5,15 54:6,8 58:14 60:20 72:16 74:19 78:3 101:21 116:14 119:12,13 123:15 131:1 133:10 173:9 taken 69:13 97:14 145:10 149:3 takes 3:15 66:8 88:15 92:20 135:1 talbot 5:15 89:17 95:10 talk 30:2 34:14 37:9 40:14,15 42:8 50:7 53:2,2,3 96:7 100:10,16</p> | | | |

| | | | |
|--|--|---|---|
| 59:9 61:19 85:15 86:9 100:4 103:19 110:20 113:11 121:15 123:12 124:21 125:10 130:1,2,10 132:2 136:6 142:5,11,20 144:19 146:4,18 148:6 149:2,18 150:9 151:21 153:10,11 154:3 155:10 156:7,11 156:19,20 157:14 158:11 159:3,14 160:8 161:11,12 161:16,17 162:5,7 167:10 168:8 171:14,20 172:19 172:20 173:5 176:6,20,21 thinking 156:1 thinks 157:3 third 17:19 thornell 5:1,1 11:12 25:3,4,9 140:9,13,17 156:19 166:19 173:10 thoroughly 167:18 thought 28:17 100:8 102:14 112:11 113:1 168:4 169:8 thoughts 114:1 150:2 three 2:16 8:19 36:8 37:17 77:3 106:8,11 107:2,20 110:16 117:10 121:8 123:10 165:11 173:13 throw 123:16 127:13,14 128:10 | 128:14,15 130:12 throwing 108:16 108:16 138:1,6 143:12 thrown 90:7 thumb 157:17 ticket 121:1 tidal 79:13 tide 42:13,13,15 74:3,3 127:7 tie 47:3 tied 23:2 27:12 33:3,4 tight 86:5 110:14 110:19 111:6 127:3,10 tightly 86:9 time 4:14 5:10 9:3 9:6 13:21 17:21 24:7,11,15 27:20 29:1,4 31:15 32:14,15,19 35:8 37:1 38:3 40:7 46:12 48:3 51:9 55:2 80:5,21 90:9 90:17 93:4 95:7,9 95:19 103:15 107:14 114:14 115:1 125:18,21 126:2 133:5 135:21 142:2 150:6,6 156:21 157:16 167:1 168:19 179:4 timely 65:3 times 14:17 17:15 28:2 49:12 51:5 51:15 57:3 58:4 58:15 69:8 84:5 135:21 157:14 timonium 4:13 tiny 112:5 title 98:9,11 | today 8:8 33:5 34:1,15 38:17 85:13 100:16 104:16 113:10 123:2 124:8 128:6 130:9,10,16,19 135:2 174:6 today's 2:6 token 169:11 told 60:6 116:3 132:9 134:16 142:16 tomorrow 98:12 98:18 ton 6:5 18:14 tongue 62:1,14 tongues 61:19 tool 68:20 69:1,2,5 76:21 93:14,14 94:1,6,7,13 tools 69:21 top 18:19 36:1,2 61:8 64:20 68:6 83:1,7,10 84:2 89:5,6 103:5 117:7 124:2 topic 159:9 topics 128:18 topography 47:16 47:16 total 85:13 totally 43:3 45:20 tough 129:4 toured 35:1 tourist 23:1 tow 139:1,7 146:15 towing 136:16 town 53:20 toy 123:2 track 86:16 tracking 93:13,14 94:6,13 | traditional 61:5,9 62:13 80:2 84:15 85:17 traditionally 61:17 84:19 training 126:19,20 trait 168:14 transcribed 179:6 transcript 2:1 transcription 179:7 transit 46:1 translate 141:1 transom 140:2 traveling 169:1 traversing 82:8 treat 149:6 treated 159:2 treating 149:6 tred 2:11 27:19,21 tremendous 107:6 triangle 21:10,17 22:1 tributaries 3:17 5:21 137:13,21 tried 17:17 39:15 46:13,14 129:13 trips 27:7 trot 68:11 89:7,8 trouble 126:11 trovato 4:7,8 13:8 13:11,15,18 14:14 15:14 18:11 19:5 20:14,17,20 27:11 27:16 66:13 89:21 92:9 94:12,15 97:3,6 141:7 148:9 149:10 161:16 175:16,18 176:1 177:9 178:4 true 14:4 159:6 179:7 trust 40:2 44:3 49:17 |
|--|--|---|---|

| | | | |
|---|--|---|--|
| <p>waiting 7:17 8:6 wake 28:19 58:5 59:5 136:17 138:21 139:2,7 145:8 152:10,12 152:17 wakeboard 28:18 wakes 163:15 walking 50:11 105:4 walks 172:4 wall 36:3 42:1 want 4:2 7:9,11 9:21 29:3,18,18 32:19 33:15 34:12 38:15,19 39:3,11 40:4,8,9,10,16,19 40:21 41:11 42:3 42:6 43:9,12 44:10 45:19 49:5 50:2,10 51:18 57:7 64:2 65:12 66:19 70:1 79:8 97:11 106:5 109:11,14 110:21 111:8 114:15 115:18 123:13 131:5 134:1,2,9 135:12 139:9 143:14,15 146:6,7 146:12,20,20 147:3 150:17 152:9,15 154:15 156:12,13 171:2 172:6 177:15 wanted 85:12 88:10 100:15 102:5 160:1 162:12 wants 126:12 133:2 148:7 washing 84:10 washington 154:13 155:14</p> | <p>watch 29:19 145:8 watchit 127:7 water 3:12 5:7,9 29:19 34:19 47:8 47:14,14 54:13,15 54:15 59:7 61:13 62:3,6,6,15,21 63:1 67:1,13,16 73:14 74:12 81:18 82:5,10 83:3 85:18,20 86:4,7 86:11 89:9 91:13 96:8,18 116:11 117:14,15,19,20 118:1 123:1,2,6 125:14,18,19 126:10 127:21 136:11 143:11 144:11,18 146:15 149:7,15 153:14 155:12 160:2 177:10 watercraft 3:8 5:6 waterfowl 73:2,6 waterfront 3:13 4:8,19 5:14 34:9 36:8 40:6 48:17 50:10 waterman 5:16 23:11 91:9 watermans 89:18 watermen 96:6 waters 3:11,20 78:19 137:11 143:19 145:13 164:3 waterskier 5:12 waterskiing 3:8 waterway 22:4 159:14 160:16 wave 58:2 way 9:18 10:17 12:1 13:1 14:3 17:8 18:19 21:14</p> | <p>22:13 31:3 35:2 40:20 41:1 44:4 49:10 50:2,4,16 55:3 79:18 103:4 105:7 107:10 108:20 109:5,8 112:11 115:2 118:8,8 125:16 132:10 134:17 135:10,20 136:19 141:12 143:15 156:5 157:3 158:1 158:2 160:2 164:4 169:19 179:12 ways 43:14 105:5 143:19 we've 48:2 51:8 58:3 67:21 85:20 95:11 105:19,20 121:18 130:5 149:3 163:18 wear 98:19 99:4,5 99:13 105:3,9,16 106:14 108:19 111:9 123:20 154:19 169:21 wearing 99:16 100:11 101:4 102:15,19 103:3 104:11 105:6 108:14 110:2 117:14 120:17,21 121:17 124:3,4 wears 106:11 weather 19:7 38:5 84:5 114:6,6 web 2:16 23:18 38:11 43:17 71:9 75:13 94:3 157:19 wednesday 100:4 week 23:16 37:17 42:13,14 75:10 99:20,21,21 100:4</p> | <p>weekend 110:17 weekends 31:15 weeks 2:17 39:7 42:12,13 75:11 165:11,11 174:7 weighed 127:5 weight 144:15,20 welcome 2:6 welfare 64:9 went 23:15 47:17 78:12 90:7 110:10 112:11 117:14 125:10 127:7 129:15 134:15 139:12 west 103:13 105:17 119:17 western 58:6 wet 112:15,17 wetlands 79:13 wharf 79:4,8 91:11,14 whichever 143:15 whitt 82:21 wholesale 149:14 width 111:1 wife 39:10 41:4 52:17 wiggly 115:20 wildlife 73:4,8 williams 6:21,21 11:3,8,18,20 12:3 12:5,7,10 14:2,5,9 14:12 20:6,10 23:15 26:2 31:1,8 32:17 97:19 129:4 131:6,17 140:12 140:16,21 141:8 143:1 144:16 145:19 150:15,19 150:21 152:8 154:5,17 176:13 willing 113:17</p> |
|---|--|---|--|

| | | |
|---------------------------|--------------------------|---------------------------|
| win 167:11 | workers 80:19 | 96:4,5,8,20,21 |
| winch 84:20 | working 3:6 62:17 | 97:1 100:10 |
| winches 62:4,17 | 67:21 80:5,6,13 | 108:11,21 109:10 |
| wind 3:8 45:2 47:7 | 80:16 86:21 87:1 | 109:18 121:14 |
| 59:4 91:3 | 87:3 92:4 102:13 | 125:8 161:9 |
| windy 19:7 | 113:21 | years 4:14 5:20 |
| winter 31:1 | works 48:19 51:13 | 8:1,4 39:13 43:2 |
| wintertime 38:4 | 109:10 114:2 | 45:13 54:10 55:10 |
| wire 83:14,14,19 | 135:18 153:3 | 55:19 58:4,10 |
| wise 127:21 | world 114:10 | 60:2 77:16 79:7 |
| wisner 82:13 | worn 103:21,21 | 80:14 86:19 90:16 |
| witness 179:14 | 106:2,3,12 121:7 | 93:17 100:7 |
| wonderful 99:17 | worried 96:7 | 107:20 108:3 |
| 121:20 | worse 119:16 | 126:19 129:13 |
| wondering 26:15 | worthwhile | 160:21 165:3,11 |
| 55:14 99:8 | 153:17 | 169:12,16 |
| word 120:16 | wow 169:21 | yelling 126:1 |
| 121:18 143:9 | wrap 118:15 | yellow 9:9,20 15:5 |
| 174:21 | wrath 156:17 | yesterday 51:15 |
| wording 31:9 | wright 7:2,2 11:2 | 109:6 |
| words 132:11,12 | 12:16 13:3 19:6 | young 105:12 |
| 139:4 158:6 | 19:19 23:2 25:14 | younger 128:1 |
| wore 103:15 | write 147:20 | yup 162:5 |
| work 18:16 39:12 | wrote 147:7 | z |
| 46:20 47:21 49:8 | y | zero 36:20 |
| 49:17,20 51:3,5 | yachting 6:2 | zone 14:13 64:5 |
| 51:14,20,21 52:15 | yankees 100:6,9 | 139:1,3 152:10,17 |
| 62:17,18,21 67:12 | yard 29:11 48:14 | zoned 3:15 |
| 68:4,8 70:8 72:9 | yay 105:16 | |
| 73:4 75:5 77:4,19 | yeah 7:13 19:13 | |
| 79:13 81:3,8 | 21:5,18 24:3 41:7 | |
| 83:16 84:4 86:18 | 59:12 97:11,20 | |
| 87:4 88:18 91:5,7 | 115:12 117:13 | |
| 98:7 99:13,16 | 126:7 128:4 | |
| 100:19 102:1 | 142:20 153:19 | |
| 118:18 128:13 | 162:4 169:15 | |
| 129:5 152:19 | 170:16 171:21 | |
| 166:15,20 169:17 | 174:5 | |
| 173:5 | year 13:6 16:2 | |
| worked 77:15 | 36:20,21 37:3,10 | |
| 81:17 162:11 | 38:17 45:5 66:9 | |
| 173:3 | 79:6 87:8,11,12 | |
| worker 80:16 | 87:13 88:12,14 | |
| | 92:11 94:20 95:3 | |