

Transcript of
Maryland Boat Act Advisory Committee

Date: Thursday, October 29, 2015

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MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Thursday, October 29th, 2015, commencing at 10:00 a.m., at the Harford County Public Library, 655 Towne Center Drive, Joppa, Maryland 21085, Ramona Trovato, committee chairperson, presiding.

COMMITTEE MEMBERS:

Frederick Levitan	Bob Lunsford
Amy Craig	Coles Marsh
Joe Hellner	Steve Kling
John Bush	Robert Nickel
Thornell T. Jones	Kathy Smith
John Pepe	

Michael B. Grant, State Liaison

Reported by: Kelly A. Taylor

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

2 THE CHAIRPERSON: The meeting is called
3 to order.

4 Welcome everyone on this beautiful day.
5 I wanted to just remind everybody mostly for the
6 people who are not members of the committee that we
7 are an advisory committee, we advise the secretary
8 of the Department of Natural Resources based on our
9 knowledge of boating, our visits to sites where
10 people are interested, and pass on what we hear
11 from folks who come to speak to us, the police,
12 citizens, and then we make a decision, a
13 recommendation, and then we send that
14 recommendation on to the secretary of DNR and he
15 makes the ultimate decision about what's, whether
16 there will be a speed limit or another regulatory
17 change.

18 We're from all over the state, we are
19 boaters and have been boaters, sailboaters,
20 motorboaters, and small boats for a long time. We
21 have lots of experience. I will ask each of the

1 members to introduce themselves and talk about
2 their experience.

3 We try to make the waterways of Maryland
4 as available to everyone for their pleasure as we
5 can while making sure that everything is safe and
6 we try to accommodate all of the concerns and needs
7 of those who use the state's waters, whether
8 they're citizens of our state or visitors from
9 afar.

10 So with that I think I'll ask -- and let
11 me tell you how this meeting will go. I will have
12 everybody introduce themselves and everybody make a
13 presentation about the regulatory requests, we will
14 then ask folks to come up and speak to us,
15 citizens, about their thoughts and concerns, we'll
16 ask Sergeant Grove to talk to us about his
17 observations in this area, and then we will have a
18 discussion about the appropriate recommendations
19 that we want to make to the secretary.

20 So with that would you mind starting?

21 (Members introduce themselves.)

1 (Audience members introduce themselves.)

2 THE CHAIRPERSON: So the first thing I
3 want to do is ask everybody to please turn off your
4 cell phones so that they don't interrupt our
5 proceedings and then, secondly, in response to your
6 question, we're the Boat Act Advisory Committee,
7 everybody on the committee is appointed by the
8 Secretary of the Department of Natural Resources to
9 advise the secretary on regulatory requests on the
10 waters of Maryland. That could be the Coastal
11 Bays, Chesapeake Bay and its tribs or Deep Creek
12 Lake. Although up on Deep Creek Lake they do have
13 another advisory board that often makes those
14 decisions and in some cases they advise us, some
15 cases we go up there and talk with them as well,
16 but they primarily have the lead on that. And so
17 the type of regulatory request would be do we need
18 a speed limit, do we need a swim area, do we need a
19 place for, say, stand up paddleboards where boats
20 aren't zipping through? So it's those kinds of
21 things. Most of the requests come from citizens on

1 the things that we act on and they come through DNR
2 and then Mike Grant who is the boating program
3 liaison for the state then brings them to this
4 advisory committee, and then also the committee
5 itself can make recommendations on things we have
6 to look at.

7 Recently the committee decided to look
8 at the regulations across the whole state of
9 Maryland to see if we could make them more
10 consistent, streamlined, and reduce whatever
11 regulatory boating we can do, so that's on ongoing
12 project that we're working on with the Department
13 of Natural Resources who I might say is doing a
14 fabulous job on their interactive maps that will be
15 available sometime in the spring. So does that
16 help?

17 MR. PERONE: Yes, that's fine.

18 THE CHAIRPERSON: So with that, Mike, I
19 think you're up.

20 MR. GRANT: Find out in a second.

21 All right. The only request we're

1 discussing today is the Gunpowder River, actually,
2 the Gunpowder Canal and Little Gunpowder Falls, and
3 I have been corrected that the Little Gunpowder
4 Falls is non-navigable. Essentially it's past the
5 confluence or south of the confluence of the canal
6 and the Gunpowder River coming down, so we're
7 talking about from the confluence south, and it
8 will be more clear as we go ahead here.

9 This is the petition request, Scott
10 Sewell, who you have met, is conservation director
11 for B.A.S.S. Nation and one of four names on the
12 petition requesting a no wake or six mile per hour
13 speed limit at all time from the beginning of the
14 Little Gunpowder River around the sharp bend and
15 upstream of Mariner Park to and through the quarry
16 pit. This request is made to protect canoers or
17 kayakers from high speed power vessels and reduce
18 erosion of the shoreline and siltation of the
19 water. Currently motorboats and jet skis navigate
20 the sharp turns of the stream at high speed and
21 create a hazard for themselves and nonmotorized

1 boaters. At the same time our fisheries department
2 received a letter from Mr. Nicosia whom you've met
3 who lives up within the actual quarry and his
4 letter stated our hope is that a six mile per hour,
5 no wake zone be put in place year round on the
6 canal.

7 MR. SEWELL: Mike --

8 MR. GRANT: This is what your petition
9 said. What you want to change is up to you, but
10 this is what your petition said.

11 THE CHAIRPERSON: First, we let Mike
12 make his presentation and then we will invite you
13 up to talk to us. Okay?

14 MR. SEWELL: Okay.

15 MR. GRANT: That's the way I have to
16 present. This is obviously an overview of the area
17 for those of you who are unfamiliar with it, and
18 then we'll zoom in, this is a little closer. Right
19 here, if you can follow my arrow -- the laser
20 pointer doesn't work on this screen for some
21 reason -- catch the arrow here, here's the launch

1 ramp for Mariner Point, here's the Gunpowder,
2 here's the channel that goes into Joppa
3 (indicating). To the left of that is the actual
4 canal that runs up, and here is the Lower Gunpowder
5 through here and you can cut through here, et
6 cetera, okay, and this is Days Cove Pond
7 (indicating). Any questions?

8 Next, a little closer up. Again,
9 Mariner Point launch ramp, six knots at the
10 Joppatowne channel. If you come down here
11 (indicating) and come out and back up again you can
12 get into the quarry. It's about 1.25 miles up the
13 quarry. This lower section, which again is the
14 Gunpowder Falls, it's about one mile, and of course
15 here's the quarry all of the way up in here
16 (indicating).

17 Again, the original request was for no
18 wake, six knots all time for the canal, Lower
19 Gunpowder Falls and the quarry.

20 This is the close-up of the, way up in
21 to the quarry. I think Nick, you're around here

1 somewhere (indicating).

2 MR. NICOSIA: Correct.

3 MR. GRANT: There is a gate right here,
4 what's left of a mesh gate, to block people from
5 getting into the quarry back in the day when it was
6 active, and here's the Gunpowder coming in, the
7 Little Gunpowder coming in here, and then the canal
8 running up into the quarry (indicating).

9 Closer picture, about 16 yards wide
10 where that gate is falling apart and about 19 yards
11 here (indicating).

12 Overall, the Joppa channel runs anywhere
13 from 75 to 54 to 62 yards wide, that's six knots
14 all times. This is the straight away in the canal
15 about 630 yards and another one about 850, and the
16 same over here in the Lower Gunpowder, and 12
17 hundred yards here (indicating). The Gunpowder
18 Canal and the Little Gunpowder Falls, the minimum
19 width is approximately 11 yards, maximum 43 yards,
20 average about 27, and the depth is anywhere from
21 1.5 to six feet and that's generally in the middle,

1 or local knowledge, or as the case may be because
2 things change based on storms and trees falling in,
3 all kinds of things, so it's not, it's not a set,
4 dredged channel. It just, it changes a lot.

5 This on the other hand is Nanjemoy
6 Creek. And I apologize for the size, I just
7 thought this would be much better on this screen,
8 but this is down in Charles County. This is 4.3
9 nautical miles with an average depth of three feet,
10 that's 25 knots all time.

11 As you can see up here at Riverside boat
12 ramp, which is six knots all time, come out of
13 there and take a right you're at 88 yards, 275
14 yards, 110 yards, 125 yards, 85 yards, and all of
15 the way up by Route 6 when it runs way off the
16 chart, I mean off the screen, it gets up to no
17 water whatsoever (indicating). That's 25 knots all
18 times. That's been in existence for a while.

19 So that's basically our presentation and
20 I will switch around here as the speaker wishes.
21 So Ramona, back to you.

1 THE CHAIRPERSON: Thanks a lot, Mike.

2 So do you have the list of folks who want to speak?

3 MR. GRANT: We have three people to
4 start with here.

5 THE CHAIRPERSON: Just three. So I have
6 got Mr. Nicosia and Mr. Sewell and Mr. Thompson.

7 Who is going first? Mr. Sewell, do you
8 want to go?

9 MR. SEWELL: I can start, I guess.
10 Since you all heard my --

11 THE CHAIRPERSON: Let me ask you one
12 thing.

13 (Discussion held off the record.)

14 MR. SEWELL: Since you all heard my
15 detailed testimony on Kent Island the only thing I
16 want to say is, and the reason I raised my hand
17 when Mike was talking, I signed a petition, yes,
18 for six mile an hour, but I feel that we could have
19 a speed limit. And I was glad to see Mike put that
20 comparison up with Nanjemoy because I have been
21 down Nanjemoy many times. 25 knots would be, I

1 think, a good compromise, because like I told you
2 at Kent Island there are more and more kayakers and
3 canoers on these little creeks back up in the
4 Gunpowder and I have seen some let's say less than
5 favorable outcomes with people in bass boats. In
6 particular, my compadres in the B.A.S.S. Nation
7 going too darn fast up and down that canal.

8 I was in there one day and a guy come by
9 me doing about 60, 65 miles an hour and he was
10 about that far from me (indicating), and I was
11 right there fishing, so I think there does need to
12 be a change before there is a tragedy, and because
13 there are scout troops that go out there, you know,
14 youth groups, and sometimes I have seen 15, 20
15 kayaks out there and canoes on their sojourns or
16 whatever they call them out there and I give them
17 all of the courtesy I can, slow down, stop, idle
18 by, but there is some people that don't, they need
19 to have that hammer, so to speak, so that they know
20 they can get a ticket if they don't obey it from
21 NRP. So my suggestion is to make it a 25 daytime,

1 six mile an hour after hours.

2 Any questions?

3 THE CHAIRPERSON: Any questions, folks?

4 MR. MARSH: What was that again, 25
5 miles an hour?

6 MR. SEWELL: 25 daytime and six miles an
7 hour at night. Anybody that drives more than six
8 miles an hour at night that goes back in there is
9 crazy. But I know there are people that would.

10 MR. BUSH: Would that be year round?

11 MR. SEWELL: Yes, sir.

12 MR. PEPE: Is this canal navigable at
13 six knots with a typical bass boat with a big
14 outboard on it?

15 MR. SEWELL: Yes, uh-huh. Even at
16 really low tide, trim your motor up. The only area
17 that's a hazard, that you may not get across, there
18 is a flat between the train bridge and the entrance
19 to that quarry that there is sometimes on extreme
20 low tides there's hardly any water at all there.
21 The mud actually is up and there is a lot of logs

1 and debris out in there.

2 MR. GRANT: Right here, Scott
3 (indicating)?

4 MR. THOMPSON: Yeah, right there where
5 you're pointing at.

6 MR. SEWELL: Yeah. The train bridge is
7 right here, and this area right out in here is very
8 shallow (indicating). There is a drainage channel
9 that goes up in the Bird River and that's marked
10 with buoys, but this ret out in here (indicating) I
11 have hit logs down in there.

12 SERGEANT GROVE: That area already is a
13 six knots zone in that section, correct?

14 MR. SEWELL: Yeah, but there is buoys
15 along the bridge on both sides at six miles an hour
16 from buoy to buoy and there is the canal that leads
17 back into Joppatowne, but I don't know there is
18 anything that restricts the speed up in here
19 (indicating). There is nothing that I'm aware of.

20 THE CHAIRPERSON: Mike, do you have
21 another chart that shows --

1 MR. GRANT: Hold on.

2 MR. SEWELL: There is nothing posted.

3 MR. THOMPSON: That whole area in there
4 is six miles an hour.

5 SERGEANT GROVE: Once you cross into
6 that buoy you're at six knots.

7 MR. THOMPSON: The canal going out to
8 the bridge is six miles an hour.

9 THE CHAIRPERSON: Folks, you need to
10 talk to the committee and not to each other,
11 please.

12 We're going to take turns. Let's see
13 what we've got here.

14 MR. PEPE: A little more specific on my
15 question is in the canal area that we're discussing
16 today, the two canals, can you navigate that entire
17 thing at six knots off plane?

18 MR. SEWELL: Yes, yes.

19 MR. THOMPSON: Not all of the time.

20 MR. GRANT: There is the Joppa --

21 MR. SEWELL: This area out in here

1 (indicating), you see where those Xes are, at low
2 tide you can't. At a normal low tide you would
3 have difficulty with any kind of vessel except for
4 a canoe or kayak in this area, up in here
5 (indicating). And this area right out in here,
6 gets kind of hairy with logs and stuff that are
7 stuck in the mud so I try to avoid it at low tide,
8 or I'll come out there just using my electric
9 trolling motor on the front of my boat and just
10 come out very gingerly, so to speak. As you see
11 the depth is zero through I guess six inches or
12 nine inches.

13 THE CHAIRPERSON: So we're focused on
14 the canal?

15 MR. SEWELL: Yes. Now, that does have
16 enough water.

17 THE CHAIRPERSON: And the river and the
18 quarry.

19 MR. SEWELL: And the quarry.

20 THE CHAIRPERSON: Okay. So anymore
21 questions for Mr. Sewell? Steve.

1 MR. KLING: Why do we need this year
2 round?

3 MR. SEWELL: Because you have kayakers
4 out there all times of the year and I think it
5 would be just for safety. That's my personal
6 opinion.

7 MR. KLING: How much bass boat,
8 powerboat activity is there over the winter months?

9 MR. SEWELL: Not a whole lot, but there
10 is some guys that go back and fish the quarry
11 because that's a wintering spot for bass and there
12 is some guys. Personally, I don't do much fishing
13 in the winter but some guys do.

14 THE CHAIRPERSON: Anybody else have any
15 questions?

16 Thanks a lot, we really appreciate it.

17 MR. SEWELL: Okay. You're welcome.

18 THE CHAIRPERSON: Mr. Thompson.

19 MR. THOMPSON: Let me just add a couple
20 of things. You have a lot of people back there in
21 the winter. I live right where Scott lives, I live

1 a couple of doors down.

2 MR. SEWELL: No, Nick.

3 MR. THOMPSON: No, Nick. You had a son
4 Scott, sorry. You have duck hunters back there all
5 through the duck hunting season, and you probably
6 know that as well. But in the, in the -- part of
7 this is now broken through. This Gunpowder River
8 really is nonexistent anymore, it breaks through
9 and comes through the pond and back down and
10 through that canal (indicating). The beginning of
11 that canal is six miles an hour. You have to go
12 out to the train bridge to get up on plane to get
13 into that canal, so anybody that goes in there
14 anyway where this is at here (indicating) to come
15 out here because this is all shallow water, all of
16 this is shallow water coming into here, so you
17 really -- I'm sorry, where am I at here -- here,
18 you come in from the train bridge -- I don't know
19 if you all can see -- coming in from the train
20 bridge you have the canal that comes out and then
21 you have to get on plane to come in and that's

1 anybody, anybody with a boat, especially on low
2 tide has to go in there. And I can attest to it,
3 there is junk under there, there is pieces of pipe,
4 because I have lost two lower units going in and
5 out of there in the last 30 years. So I'm not --
6 you already have a six miles an hour to come in
7 here and anybody that goes in there is going to
8 break that law anyway, except on the weekends
9 because it's only six miles an hour on weekends.
10 So going in and out of that canal I have to agree
11 with Scott, it should be -- I don't know if even 25
12 miles an hour is the right thing to use on that
13 thing. I think it probably should be six miles an
14 hour, but I don't know how you're going to get in
15 and out with a boat like mine, get in and out
16 without getting up on plane and getting in there
17 especially on low tide. Low tide in the key
18 factor.

19 As far as the kayakers you just have to
20 be careful of them when you get in there. To get
21 my boat at a running plane so it's safe for me to

1 come in and out of there, I'm about 30 miles an
2 hour coming in and out of there. Especially this
3 flat, coming out through this flat here
4 (indicating), you have to stay on plane and you
5 have to come out and then cross over.

6 THE CHAIRPERSON: So let me ask Mike a
7 question just because I'm not sure I understand.
8 Are we looking at regulations for that flats area
9 or only for the --

10 MR. GRANT: No. We're only looking at
11 the Gunpowder Quarry Canal, this whole area here,
12 the quarry (indicating).

13 THE CHAIRPERSON: Okay.

14 MR. GRANT: And down here (indicating).

15 Now, having said that Sergeant Grove
16 will have some comments here during his
17 presentation, but we're talking about this run down
18 here, this whole run here at the entrance. Not
19 this area in here (indicating). Like he said there
20 is very little water in there that's why we didn't
21 make any trips up there. It's all local knowledge,

1 and it shifts from storm to storm and that's the
2 area we're talking about. It doesn't start until
3 down here and it runs up the canal, up, up, up this
4 river here, or stream here, and that's it, and then
5 the quarry itself (indicating).

6 MR. THOMPSON: If I could make one
7 suggestion I would mark the dangerous points
8 traveling up that canal, not necessarily the length
9 of the canal, the areas that are long enough that
10 you could see kayakers and bring it off on plane.

11 I think the most dangerous place is
12 where you come into the quarry because I have seen
13 guys with air boats come in there I mean just flat
14 out going. Bass boats, I have seen two bass boats
15 run up into the marsh coming around that corner. I
16 think what I would do is the area that you can't
17 see I would mark and then have them like 25 or 30
18 miles an hour. So that's it.

19 Yes, sir.

20 THE CHAIRPERSON: Coles.

21 MR. MARSH: I'm a little confused now,

1 at the entrance there --

2 MR. THOMPSON: This is the entrance
3 (indicating).

4 MR. MARSH: -- it's already six knots.

5 MR. THOMPSON: Yeah. We're going to
6 come up there and into that little corner, okay
7 (indicating).

8 Years ago before some of the storms you
9 could actually travel up this way (indicating),
10 okay, but since the storms this is all filled in
11 and it's left a very narrow channel coming up right
12 here (indicating). This is not navigable on the
13 other side, this right here (indicating). And then
14 we go up into the channel this way and then around
15 the corner and then into the quarry. And this is
16 where Agnes broke it through, in here (indicating).

17 THE CHAIRPERSON: Coles.

18 MR. MARSH: And that area is deep enough
19 for six knots?

20 MR. THOMPSON: It's close, it's close.
21 The mouth there used to be an old dam, old stone

1 dam, and that stone dam when they built the quarry,
2 when they were using the quarry for sand and
3 gravel, they had it blocked there so the river
4 wouldn't come into it, but of course when Agnes
5 came through it washed all of that out. There is
6 still some of that stone in there, and it's very
7 tough to get in and out of there. It really is.
8 You couldn't just take anybody's boat up into
9 there, just us crazy bass fishermen.

10 THE CHAIRPERSON: John.

11 MR. THOMPSON: Yes, sir.

12 MR. PEPE: I understand that you guys go
13 up there to go fishing, what would you say the
14 number of boats that use this is like on the weekly
15 basis, 10s, hundreds, ones or twos?

16 MR. THOMPSON: You see, you would have
17 to average that through the tournament season
18 because on Saturday or Sunday you could have 10
19 boats in there easily and that would change in the
20 course of time. I know when the Ike Elite
21 (phonetic) series was up there there were boats

1 going in and out of there like there was a rodeo.
2 They were in and out all of the time. During the
3 week in the last 10 years you could have five boats
4 a day in there easy, easy.

5 THE CHAIRPERSON: What's the kayakers or
6 canoers or paddleboarders like up there? How many
7 of those folks are out there?

8 MR. THOMPSON: Nick goes up there, I see
9 him out there a lot, he uses it, and I can
10 understand his concerns because these guys come
11 into that pond and they just want to fly around it.
12 I don't know why they do it, but they do it, and
13 there are some times I thought it was pretty
14 dangerous not only to kayakers, you have jet skiers
15 coming up there at times too, but it seems like
16 they want to go really fast when they get inside of
17 that pond and I think you have some dangerous
18 points there. Having the pond, you know, with a
19 six mile an hour limit you can't go that far that
20 fast, but when they come into the lake they come in
21 there pretty quick.

1 THE CHAIRPERSON: Any other questions
2 from members of the committee? Thank you so much
3 Mr. Thompson.

4 MR. THOMPSON: Thank you.

5 THE CHAIRPERSON: Mr. Nicosia.

6 MR. NICOSIA: Let's see, you want to --
7 okay, we can start with this, but I was going to go
8 all of the way around.

9 MR. GRANT: Let me back up.

10 MR. NICOSIA: Back up, all right.

11 This white line here is actually the
12 Baltimore County/Harford County line, it goes
13 across Route 40, so this is the demarcation line of
14 the two counties and as usual they always made
15 their demarcation lines in states with rivers,
16 because that's what they had. This side of river
17 is yours, this side is mine, so we know what we're
18 talking about. This here is Days Cove and that's a
19 park at the Little Gunpowder State Park and they
20 have a lot of canoers there particularly in the
21 spring and summer. In the wintertime it sort of

1 goes away. This is the ramp over here and it comes
2 down, this is lots and lots of boats coming out of
3 Joppatowne through that (indicating.) This is all
4 of Joppatowne through here, all of houses on the
5 water, and you also have a launch ramp, so they
6 come out of here (indicating). This has been six
7 miles an hour ever since I have lived there since
8 1977. Now, when you get around here it's riddled
9 with Hydrilla and stumps and trash. It's almost
10 impossible to go fast through here (indicating).
11 Same here, it's full of stumps. If you open wide
12 open throttle you're going to ruin your boat, there
13 is no two ways about it. And this area here is the
14 Little Gunpowder, not too many people go up in this
15 area (indicating). Where the problem is we have
16 obscure areas and these little bends here, so when
17 somebody is going up here 70 miles an hour they
18 continue to do it around the bend. And the same
19 thing happens over here. When we get over here, we
20 get into the quarry. You have all of these little
21 obscure areas here (indicating), there is these

1 bends, this is the problem. This comes around here
2 like this, and they will come through here
3 (indicating), and then when you get up here -- I
4 wish I had a longer stick or I was taller -- you
5 have an island up there, right there (indicating).

6 Okay, when they come through this, the
7 right-hand side is shallow so they want to get up
8 on plane and shoot through there. I seen one guy
9 one time on the backside of that island, right in
10 there (indicating) fishing real close, a bass boat
11 came up and was flying around the corner and the
12 guy was standing up fishing and it just about
13 knocked him out of his boat. He didn't see him. I
14 don't see anybody, I'm the only one in this pond,
15 so he came around and almost knocked the guy out of
16 the boat, the guy had to sit down to keep from
17 getting knocked out of the boat. After the wakes
18 clear this other guy was fishing over here,
19 somewhere right around in that area (indicating),
20 and the guy who almost got knocked out of the boat
21 he started up his motor and started doing donuts

1 around this guy, trying to knock him out of the
2 boat. They got into an argument, picked up oars,
3 and I said here we go, it's going to be a war here
4 and they finally started hollering back and forth
5 at each other. One of the guys I never saw come
6 back again, but these are the types of
7 confrontations that can happen.

8 Now, over here with the -- we can go
9 back -- the Days Cove area, that's back over in
10 here (indicating). All right. They're the ones
11 that have a lot of, they're the ones that have a
12 lot of kayaks and canoes, so they go up in here
13 (indicating). A lot of times there is little kids
14 in there, 10, 12 years old, and they're coming up
15 through these canals and these boats just come
16 roaring past them. And I'm surprised that they
17 didn't show up today, maybe they didn't know about
18 it, but I guarantee if they knew about it they
19 would have come here and said yeah, we have to do
20 something, we take groups of children and it's
21 dangerous.

1 Now, don't forget there is not all that
2 many boats that come up through here and they're
3 mostly bass boats and for some reason they like to
4 fly. Now, as you said if we change to six miles an
5 hour, it's one and a quarter mile up in here?

6 MR. GRANT: Approximately.

7 MR. NICOSIA: So if we went six miles an
8 hour for one mile that's 12 minutes. Let's suppose
9 we did it 25 miles an hour, what would that be,
10 nine, 10, 12 minutes? Anyway, we're talking about
11 a nine minute difference in the time to travel from
12 here to here (indicating) if we went from 25 or 30
13 and went down to six.

14 That's about all I have to say.

15 THE CHAIRPERSON: Do any of the
16 committee members have questions? Kathy.

17 MS. SMITH: I have a question. So I'm a
18 little confused, you who made the presentation at
19 our last meeting you've changed the request to 20,
20 25 during the day?

21 MR. SEWELL: Yeah.

1 MS. SMITH: Do you think that's okay or
2 as -- you're kind of --

3 MR. NICOSIA: I can see his point.

4 MS. SMITH: -- you're speaking for the
5 kayaks?

6 MR. NICOSIA: I can see where we have
7 reason to do that in straight ahead areas.
8 Straight ahead areas would be here (indicating).
9 When you come around here you can see a pretty good
10 ways up here. You could see if someone was
11 standing up in a boat fishing or if there was a
12 kayak, this 12 hundred yard stretch here, and then
13 we have a bend and they can't see and they go
14 around (indicating). If there is kayaks, canoes,
15 someone fishing up here, they can't see it. It's a
16 narrow canal, very narrow up here, this isn't a
17 wide waterway, so I mean if you turn that corner --
18 how wide is it up here? It's, I don't know, maybe,
19 what, 30 feet, 40 feet at the most, very most.
20 It's a real narrow area, and then when they come up
21 through here, these bends here, and then up around

1 on the, on the quarry itself (indicating) you have
2 those islands, so there is some obscure areas
3 there. That's the problem with it, it's not a
4 dead, straight shot away where you can see
5 everybody right out. It's the bends that cause the
6 problems, it's the islands that cause the problems
7 where people are kayaking, canoeing or fishing.

8 THE CHAIRPERSON: Anybody else have any
9 questions? Go ahead, Coles.

10 MR. MARSH: If the area that is the most
11 concern there at low tide, extreme low tide, can
12 you navigate at six knots there with your motor up
13 or whatever way?

14 MR. NICOSIA: Well, they get through it.
15 They get in there, and I've see guys in there
16 pretty low tide. They can do it with the electric
17 motor if they have it, if they didn't want to
18 destroy the outboard motor because all of these
19 bass boats -- or they could tilt it up, I don't
20 know. It depends on how low the tide is, it
21 depends on the moon phase, the wind direction.

1 MR. MARSH: So in your experience would
2 you need to be on plane generally speaking?

3 MR. NICOSIA: I wouldn't have the guts
4 to get on plane because you might hit a stump. I
5 have never tried it.

6 MR. MARSH: Going around those bends and
7 so forth?

8 MR. NICOSIA: I go as slow as I possibly
9 could through there. You don't know where those
10 stumps are and every time the tide changes or
11 whatnot they can roll around or move. They're not
12 marked. There is no navigational marks here at
13 all, because there is not that many people that
14 come up here except for fishermen, and it's so
15 shallow and it would change all of the time. Every
16 time you had a storm they would be out there every
17 week changing things around with the stumps moving
18 around out in the lower part.

19 MR. MARSH: But those people are in a
20 hurry to get there so they're running 30, 40, 50.

21 MR. NICOSIA: Right. I guess for them

1 that's the difference between going, you know,
2 taking nine minutes to get there at six miles an
3 hour or 12 minutes to get there, as opposed to two
4 and a half or three minutes to get there.

5 THE CHAIRPERSON: Any other questions?

6 MR. MARSH: I have one more.

7 THE CHAIRPERSON: Go ahead, Coles.

8 MR. MARSH: When the tournament starts
9 and the people start fishing at 8 o'clock or
10 whatever time the bass tournament starts and they
11 put in over at that marina, right, that launch
12 ramp, right?

13 MR. NICOSIA: Right. They have to go
14 six miles an hour down through here to get around
15 over here, and then over in this area here
16 (indicating) it's real shallow, muddy, Hydrilla and
17 some stumps on low tide.

18 Usually what I have noticed is almost
19 every one of these tournaments is every other week
20 for the high tide so they really don't have too
21 much of a low tide situation unless they get like a

1 northwest wind that blows all the way out there.

2 THE CHAIRPERSON: How frequent are the
3 tournaments?

4 MR. NICOSIA: Weekly, usually on
5 Saturdays, usually every other week, sometimes
6 because they're on a high tide and then sometimes
7 you have some smaller ones on a, on a low tide.
8 But I mean there's also other bass boaters that
9 come up in there regardless of whether there is a
10 tournament or not.

11 MR. MARSH: So during these bass
12 tournaments there could be anywhere from three to
13 10 boats?

14 MR. NICOSIA: Easily, yeah.

15 MR. MARSH: Three to 15 boats going up
16 fishing?

17 MR. NICOSIA: Right.

18 MR. MARSH: So when they go around that
19 bend and that straightaway is where they really
20 open it up and away they go.

21 MR. NICOSIA: Right, right.

1 MR. MARSH: And head up to the quarry
2 area to be the first one in line.

3 MR. NICOSIA: They're in a tournament
4 and playing against time.

5 THE CHAIRPERSON: Any other questions,
6 folks?

7 Thank you so much, Mr.Nicosia. We
8 appreciate it. Mike.

9 MR. GRANT: Question, Madam Chairman,
10 Louis provided a video, a very brief video, that
11 runs about 20 some odd minutes, but we can
12 certainly speed it up for the finer points and he
13 may want to narrate this while I crank it up and
14 then you can go to the sergeant and maybe get a
15 better idea of what we're looking at; is that all
16 right?

17 THE CHAIRPERSON: Yeah.

18 (Video presentation.)

19 MR. GRANT: Give Louis the mic.

20 MR. WRIGHT: This is out at the entrance
21 where you start up that vertical section at the

1 mouth of the canal portion. And also here you can
2 see clumps of grass on the surface, but scattered
3 all around on either side of the submerged logs and
4 other assorted stuff, and it's a little deceptive.
5 You get closer up there and start to close in on
6 the left you can see. This area gets, seems to get
7 a lot of stuff on it. Might get a large runoff
8 event and all of this stuff tends to move around
9 out here from the runoff and whatever depths are
10 there that change around so it's very, very
11 transitory. It's not like you can mark a channel
12 in there.

13 Now, we're going into the canal itself,
14 that white spot there is notice buoy that was put
15 in there for an area. This area off to the left is
16 a little island at the mouth. You go up a little
17 farther there is an area where it's braided out but
18 it all, the whole area up here with all of the
19 grass it's all graded so these areas are kind of,
20 you know, little islands interconnected so there is
21 all kind of things passing through it. Kayakers

1 probably would not have a problem going through
2 there at high tide. It's pretty shallow at low
3 tide.

4 You come up all along here too
5 especially on the right-hand side, which is the
6 east side of the canal, you have got trees sticking
7 out, some of them are eroded and falling down in
8 the water, so you have trees out into the water.
9 This is more or less in the upper part going
10 straight.

11 Now, we come up here, you come around
12 the first turn there and up in the distance
13 actually that's a couple of kayaks up there when I
14 came in here. When I ran in here I was going about
15 five knots, which is about all I wanted to do. I
16 had been up here about a week before and that's the
17 result of that.

18 THE CHAIRPERSON: That was your prop?

19 MR. WRIGHT: Yep.

20 MR. KLING: Is that a taxpayer prop,
21 Louis?

1 MR. WRIGHT: You can tell from the edge
2 of it that it hit something. It wasn't a log it
3 hit, it hit rocks or something. You can see the
4 scrape marks on the edge of the blade.

5 Those are two kayakers that are up
6 there. You figure I'm going six knots, six knots,
7 I can see them. My concern would be if somebody
8 comes up at a much higher speed, you know, all of a
9 sudden those guys pop out. They were coming out
10 where the Little Gunpowder cuts off to go south.

11 It goes on up. There is more, more logs
12 and assorted junk in there and it's very
13 restrictive. Some areas in here are almost
14 appropriate for this particular scene, and in this
15 particular area see where that stump was and other
16 logs that were underneath? You can see under the
17 surface.

18 One concern I had because I mean this is
19 a 16 foot Jon Boat with a 25 on it and getting into
20 the canal, the canal itself, in this area here it
21 was a meter, anywhere from a meter, half a meter

1 depth of water. But out at the mouth where you
2 come in here it's really shallow. It's about all I
3 could do to get across here. If you did have an
4 incident in here, getting in here to respond would
5 be very difficult.

6 Now, we're starting to come into the
7 quarry area and it does open up. And I didn't go
8 much farther than this in here and if there is a
9 quarry there may be all kind of hills and bumps,
10 you know. I have no idea what the symmetry is in
11 there, I didn't go any further to see what it is.

12 That on the shore, that white thing on
13 the shore, that's a large rock. I'm assuming if
14 there is that one on shore there is other ones
15 there.

16 MR. LUNSFORD: Other than the one that
17 hit your prop.

18 MR. WRIGHT: It may have been the dam.
19 I didn't realize there was a dam up there.

20 That was our voyage up the canal.

21 MR. GRANT: That's it.

1 THE CHAIRPERSON: Louis, that was very
2 helpful. Thank you.

3 MR. NICOSIA: Could you rerun that
4 showing what it would look like going 60 or 70
5 miles an hour?

6 MR. GRANT: I don't know.

7 MR. NICOSIA: Going real fast? It
8 didn't take that long to get up there, that little
9 bit of film.

10 MR. GRANT: Let's give this a shot.

11 (Video playback.)

12 MR. THOMPSON: Anybody that wants to
13 ride up there today meet me at the door, I'll take
14 you up for a ride.

15 MR. LUNSFORD: We're there.

16 THE CHAIRPERSON: Any questions for
17 Louis? Thanks again, that was very helpful.
18 Sergeant Grove.

19 SERGEANT GROVE: Good morning. This is
20 kind of a unique animal for us as well. In fact,
21 that most time when we do a speed limit survey if

1 we're out in the middle of a fairly large area
2 that, you know, is having problems due to wakes or
3 speed and numerous other vessels around it and
4 marinas and that kind of stuff this, you know, one,
5 it is such, it is such a remote, relatively
6 isolated, and low use area that, one, as a sergeant
7 I can't, I can't say to my guys spend a lot of time
8 up there especially during the summertime when I've
9 got the boating activities, the park activities,
10 and I have got five officers to cover all of
11 Baltimore County. You know, it's one of those
12 things. And like I said we do run this jointly
13 between Harford and Baltimore County, currently I
14 have got five officers under me, the Harford County
15 Sheriff's Department has five officers under them,
16 we might bolster that by one here in the near
17 future when a class graduates, but when you're
18 trying to run multifaceted up on the Upper
19 Susquehanna and the Upper Bays area in addition to
20 the Susquehanna and Rocks State Park lands which
21 are heavily used, I have Gunpowder Falls State

1 Park, which pulls most of my resources most of the
2 time, as well as Patapsco Valley, 45 minutes to an
3 hour around the beltway, so I'm running here and
4 there.

5 Response to this is problematic is the
6 only vessel that I can take up in there is our Jon
7 Boat. We will not take our Whalers up in this area
8 (indicating). The Jon Boat is kept on a trailer at
9 the Hammerman shop location so when we do that we
10 have to then launch either out of Dundee Creek,
11 shoot up the Gunpowder, and over to the Bird and
12 across, or we have to trailer around to Mariner
13 Point and come down the canal and move back around.

14 We did a couple of -- before this survey
15 it wasn't done in the normal fashion, I will tell
16 you that. Essentially what I did was told the
17 officers that worked that area, we did a couple of
18 dedicated times where they just took the Jon Boat
19 out and kind of sat in the area for a period of
20 time to see what they would encounter.

21 One of those was absolutely nothing,

1 nothing came by. One we indicated we did have, we
2 did have two bass boats come in and a couple of
3 kayakers in the area at the same time. The rest of
4 the time we do check this. We patrol this area by
5 foot for fishermen up at the top of the actual
6 quarry. Most of the time we park out on the
7 roadway and then we walk in. Those guys probably
8 see us going in there to check because a lot of
9 fisherman come in this way. They would do that and
10 note any vessels that they saw again.

11 I would say, I would say average on a
12 busy, you know, busy Saturday you're probably going
13 to average about 10, 10 plus boats in there on a
14 daily basis.

15 On off times during the week you might,
16 you may have none to five boats come in. And when
17 I say boats I'm talking all aspects of maritime
18 users.

19 I can tell you that the, as they
20 indicated the kayakers and probably now the
21 wakeboarders are increasing. We're seeing the

1 wakeboarders increase in the Gunpowder, in the
2 Dundee Creek area, we're seeing that. Anywhere
3 there's relatively large areas of flat water with
4 low traffic is where the wakeboarders are going to.

5 MR. JONES: You mean stand up
6 paddleboarders.

7 MR. LUNSFORD: You said wakeboarders.

8 SERGEANT GROVE: I'm sorry.

9 Paddleboarders, not wakeboarders. The other aspect
10 of this is this is not, this is not an isolated
11 incident. We have gotten -- now, I can tell you as
12 far as, and it's kind of funny, we have had no
13 calls for service that I can find in our CAD system
14 since the beginning of March to now. We have had
15 no real calls for service with regard to accidents,
16 incidents, operational complaints. They just, they
17 just do not come in. So from, you know, from my
18 perspective if I don't see a problem is there a
19 problem, but I can say that this is a problem
20 waiting to happen. I can see that with regard to
21 the cross over of users. As this area becomes more

1 and more known to people, it's becoming more and
2 more popular for the fish that they're pulling out
3 of there. It used to be it was the locals only
4 club type of thing. Now, these, you know, as the
5 tournaments are coming in people that, you know,
6 people that fish during the tournaments talk to
7 their friends and I'm sure we're getting a larger
8 pool of fishermen, recreational fisherman, coming
9 in here so that's expanding.

10 Of course, like I said the canoes,
11 kayaks and paddleboarders are expanding so we're
12 going to have a problem at some point in time.

13 Again, that reverts to my problem, if we
14 do have a problem how do I get personnel and rescue
15 equipment in there? A lot of the vessels that we
16 use on a routine basis can't traverse that low area
17 to even make it into there so then I have got to
18 get another vessel in or we have to employ a fire
19 department inflatable or something like that to get
20 into these areas and try to address them, which is
21 again problematic from my standpoint.

1 As I said this is not isolated. This is
2 Days Cove, we call it the Days Cove lake. It is a
3 contained lake. I'm not pointing here, I'm
4 pointing to this little body of water here
5 (indicating). We're seeing bass boats in there now
6 that it has broken through. It's broken through
7 enough, this is broken through enough so they can
8 get from Days Cove, the cove area, into this, into
9 this lake (indicating), which is never -- it's, you
10 know, it's only happened very recently where the
11 little barrier has broken through and on high tide
12 those guys come, they can make it on plane, they
13 can shoot that gap and make it in there and the
14 problem is we run -- this is, this is Days Cove
15 Environmental Center right over here. This little
16 building right here is the Days Cove Environmental
17 Center (indicating) used by Baltimore County Public
18 Schools. They run canoe trips and that kind of
19 stuff out of there and we've had, we've had
20 complaints there that, you know, bass boats are
21 shooting through that gap and they're out there

1 with a bunch of school kids.

2 So it's not an isolated thing just to
3 this (indicating), it's kind of this whole upper
4 area where we're getting (indicating), where we're
5 getting this mixture because of the, because of the
6 way you almost have to navigate it to get, you
7 know, to get access to it. That, from the
8 powerboat side, does not fit with the low speed,
9 low maneuverability of the, you know, of the
10 kayakers and canoers and paddleboarders. So, you
11 know, I'm -- there is -- it's something waiting to
12 happen.

13 It's just is it -- I mean, is the
14 enforcement -- there are things in place as far as
15 if I want to look at it from an enforcement
16 standpoint, you know. Just negligent boating and
17 failure to maintain the proper lookout and that
18 kind of stuff can be addressed but that's again if
19 I get those complaints from there and those
20 complaints come in, you know, it's not a normal
21 patrol area for me. It's not a high use, high

1 volume patrol area that I can dedicate a lot of
2 resources to. So the ability to quell some of this
3 would be appreciated.

4 The 25 mile an hour aspect of this is
5 hard without radar that I can go into court and
6 say, Your Honor, he was going 27 miles an hour in a
7 25 miles an hour zone. There is no, there is
8 nothing that I can use other than electronics to
9 kind of dictate that. Now, I can, you know,
10 without knowing, without knowing the drag on each
11 vessel, some of them need 35 to even get up on
12 plane, so if they're up on plane some of them, you
13 know, depending on the officer and his ability to
14 articulate that training and experience led him to
15 believe that vessel was in excess of that without
16 any type of equipment, based on his knowledge of
17 that particular design and that kind of thing,
18 might fly but that when you start going to these,
19 you know, six knots pretty much if you're creating,
20 once you start, you know, creating a wake and all
21 of that kind of stuff we can articulate that a

1 little better especially with jet skis and that
2 kind of stuff, and anything kind of above that is
3 we're talking about having to be there and have
4 electronics to differentiate.

5 THE CHAIRPERSON: What is your
6 recommendation?

7 SERGEANT GROVE: I'm kind of, like I
8 said I'm kind of on the fence. You know, with
9 regard -- if you want to look at this as a whole,
10 you can say you can make this whole upper area a
11 six knots zone (indicating). And I know we're here
12 just, I guess, technically just on the canal and
13 the thing, but this whole upper area could be
14 subject to that (indicating).

15 MR. LUNSFORD: From the railroad bridge
16 up?

17 SERGEANT GROVE: Yep. Except for the
18 Bird River we wouldn't want to. Pretty much you
19 can, in my opinion you could almost draw a line
20 across here (indicating) and say anything within
21 that area is the six knots zone. Just because,

1 like you said, you have got to -- if you want to
2 get onto it you got to shoot it anyway.

3 Now, it's going to -- as DNR I can tell
4 you that I'm sure the Sport Fisheries Advisory
5 Commission is going to say well, you're restricting
6 our access to -- you know what I'm saying, versus
7 your board. So those are things that we have to
8 take into account.

9 You know, I don't know what the best one
10 on this one is because I can't, I can't come in
11 here and say, you know, we've had two serious
12 accidents, you know, we've had numerous complaints,
13 I have got nothing all summer long. And it's kind
14 of crazy, but I have got no complaints on record of
15 near misses, of people, you know, because there is
16 nothing to really enforce. I can't enforce a speed
17 zone or any, say, reckless boating type of thing
18 when we're not there to see most of the time. So
19 in that respect it's a problem for us
20 enforcement-wise just to get in there. So creating
21 a six knots zone now makes it an area that I have,

1 almost have to go in and do some enforcement in,
2 but the safety, I think, kind of overrides that. I
3 think if we don't we're going to have some type of
4 a serious incident occur at some point in time.

5 THE CHAIRPERSON: Steve.

6 MR. KLING: Sergeant, thank you. I mean
7 that's a great presentation, that's really some of
8 the better stuff than we've heard. One thing it
9 sounds like we need to ask the secretary to get you
10 guys is some stand up paddleboards for enforcement
11 work?

12 THE CHAIRPERSON: With radar guns.

13 MR. KLING: Is that what we're hearing?

14 (Discussion held off the record.)

15 MR. KLING: Could you comment on, if we
16 just say using six knots as a premise, on weekdays
17 or weekends boating season versus year round?

18 SERGEANT GROVE: You know, in some
19 respect with the knowledge that we have versus what
20 these guys see is probably relatively sheltered and
21 kind of myopic in that we're seeing various

1 snippets here and there.

2 Of course during the winter months like
3 you said things do drop off. You're going to have
4 the occasional, occasional fisherman that goes up
5 in there, powerboater or fisherman that goes up in
6 there. I have seen, actually, I have seen more
7 kayak fishing I think up in there in the wintertime
8 just in the few times that I have been on foot
9 patrol in that area checking fishermen.

10 Weekends, you know, at least the weekend
11 aspect of it I think would be a good start and if,
12 you know, if that doesn't cover it you can always
13 expand that to all, you know, all of the time type
14 of thing.

15 I would say that right now
16 recreationally for kayakers and stuff weekends is
17 when we see the big plume of people coming in and
18 putting in. Everybody else in that respect is just
19 going to be a local resident that dumps in and goes
20 for the most part in that area just from their
21 community. And during the week I think you're

1 dealing with local versus local, whereas on the
2 weekends I think you're dealing with a larger not
3 local knowledge on both the parts of the kayakers
4 and the powerboaters going in there, and that's,
5 that's an assumption a lot of my part because we
6 don't -- I'm not pulling driver's licenses or, you
7 know, checking these people type of thing but, you
8 know, this area is becoming a bigger and bigger
9 draw for the kayakers. And on the weekends, on the
10 weekends Gunpowder Falls State Park has an
11 outfitter that rents kayaks and paddleboards and
12 that kind of stuff and pretty much once you're done
13 you can go where you want to type of thing and when
14 they, when they rent some of those out from the
15 Dundee Creek or from the Joppa -- the Gunpowder
16 Falls, the beach area of Hammerman, which is down
17 here, right here (indicating), they will, you know,
18 they will go out and go all over the place on their
19 kayaks and stuff having probably not a lot of local
20 knowledge of the area. But I would say if nothing
21 else you might, you know, consider starting. If

1 you don't want to go across the board, start with
2 the weekends and see, see how that addresses the
3 issue.

4 MR. HELLNER: If somebody was severely
5 injured there what is your estimate of how long it
6 would take to get emergency personnel to that
7 person, and then following that question how long
8 would it take to get them to a hospital if they
9 needed hospitalization? I would guess you call a
10 medevac but I mean --

11 SERGEANT GROVE: Exactly. We do have
12 some options available to us.

13 I can tell that you for the most part
14 fire and rescue is going to be there well before we
15 are because they have the ability to. They can,
16 more than likely I would say they would deploy from
17 Mariner Point on a trailered inflatable and they
18 would shoot down the canal and zip around and shoot
19 back up the canal so we're probably talking about a
20 20 minute fire response, 15 to 20 minutes minimum
21 fire response, and for my guys to get there I can't

1 even tell you. It could be an hour and a half if
2 they're far. One officer I have working at
3 Patapsco or up on the boat in Susquehanna, for them
4 to get there and pick up the appropriate vessel to
5 get into that waterway to get there, yeah, it could
6 be five minutes or if they're already out to an
7 hour and a half.

8 MR. HELLNER: Sergeant, to make sure I
9 understood what you said the fire department would
10 be your first responders, they would have to get an
11 inflatable down the ramp and into the water and
12 then get back up in there, not necessarily able to
13 go any faster than, we have heard other testimony
14 to say it's pretty hard to go fast up there, but
15 we're going to assume the fire guys can get up
16 faster and not hit a log and make it.

17 SERGEANT GROVE: Again, that changes.
18 That can change on any basis depending on whether
19 we've had a hard storm. I mean and they're not
20 kidding when they're saying depending on. What
21 just came through yesterday, I was at Patapsco with

1 a deceased subject yesterday and when the rains hit
2 there we had flash flooding occurring, so something
3 like that comes through this area you better be
4 going slow because you don't know how that's going
5 to shift around in that area.

6 MR. HELLNER: If everything works
7 ideally and the fire department is able to respond
8 your estimate is it's 20 minutes to get the quarry?

9 SERGEANT GROVE: Yes.

10 THE CHAIRPERSON: Where is Mariner
11 Point?

12 SERGEANT GROVE: Yeah. This is the
13 channel into the Mariner Point marina and right
14 here is the actual ramps.

15 THE CHAIRPERSON: Okay.

16 MR. THOMPSON: That's Taylor Creek.

17 THE CHAIRPERSON: Coles.

18 MR. MARSH: I think I'm done.

19 THE CHAIRPERSON: Does anybody have any
20 questions?

21 MR. NICOSIA: Yes, I do.

1 THE CHAIRPERSON: No, I'm sorry, you
2 can't ask questions.

3 MR. NICOSIA: You said anybody.

4 THE CHAIRPERSON: I'm sorry. Anybody on
5 the committee.

6 MR. HELLNER: Could you clarify the area
7 between the railroad bridge, those canals that's a
8 six knots area?

9 SERGEANT GROVE: It is, but it's really
10 buoy to buoy. What it is it's directed as you go
11 into, into the Mariner Point canal, into the main
12 Joppatowne canal. It's not really, it doesn't, it
13 doesn't really kind of enumerate how it expands out
14 from there. It's just kinda two buoys put there to
15 let people know once they come through they have to
16 slow down to six knots because of the navigation
17 aspect of it. From the hydrology aspect is really
18 all we're doing is going into the Joppa, I mean the
19 Mariner Point canal.

20 MR. PEPE: So anything outside of the
21 buoy area would be fair game?

1 SERGEANT GROVE: I don't think it would
2 fly if I tried to enforce that into the other areas
3 the way that things are written now. And I can
4 tell you when we get into court, you know, we get
5 go the judicial system, unless the judge is a
6 boater they have got no concept of this stuff, and
7 five dollars and court costs, you know, 25 dollars
8 and court costs and we're out of the door. So, you
9 know, the writing the ticket doesn't really mean as
10 much sometimes on this stuff.

11 In my opinion what we're talking about
12 here is not revenue generating for the state, it's
13 none of that stuff, it's a public safety issue with
14 regard to the mix of boaters.

15 THE CHAIRPERSON: Coles.

16 MR. MARSH: Real quick on the launch
17 ramp area. That currently has no speed limits, the
18 only speed activity is right there at the bridge?

19 MR. GRANT: Six knots.

20 SERGEANT GROVE: No, no. This is, once
21 you cross through that bridge the whole way through

1 this is all six knots.

2 SERGEANT GROVE: No wake zones.

3 MR. MARSH: Past the ramp is six knots.

4 MR. LUNSFORD: Down to that canal.

5 SERGEANT GROVE: The rest of this canal,
6 yes, and this whole upper area, but that's not what
7 we're talking about. And that is the thing, you
8 can have a boat, there is a, you know, there is a
9 strip of woods, as you can see there is a strip of
10 woods and shrubbery between this, so you can have
11 some guy going, you know, no wake, six knots, putt,
12 putt, putt, and the guy right beside him
13 (indicating), you know, what's that, kind of like
14 what is that all about, his channel is this wide
15 and my channel is this wide (indicating). And, you
16 know, it's kind of, kind of an oxymoron in some
17 respect.

18 MR. LUNSFORD: Just for an explanation,
19 and it's hard to see it unless you have been there,
20 there are two parallel canals in that picture. One
21 is the Joppatowne canal, that has the ramp and has

1 the residences on it and just on the other side of
2 a little strip of woods they left when they mined
3 it is the canal we're referring to and they run
4 parallel for a good distance and in a couple of
5 cases you can underhand a softball from one body of
6 water to the other.

7 SERGEANT GROVER: Easily.

8 MR. MARSH: One is six knots --

9 MR. LUNSFORD: It's wide open, it has no
10 development on it. I think that's the big
11 difference on it, one of the reason why it was
12 done.

13 MR. MARSH: Thanks for clarifying.

14 THE CHAIRPERSON: Lewis.

15 MR. WRIGHT: Just for the committee's
16 information, that Joppatowne canal where the ramp
17 is, it's six knots basically from the entrance here
18 where it nears at the base, down, and where Mike
19 has the person. From there onto the head of the
20 Joppatowne area and all of the basin up there with
21 all of the piers and everything, you come out of

1 that area and it actually goes, I believe it's, I
2 believe it's either six Saturday, Sunday and
3 holidays.

4 MR. GRANT: Right.

5 MR. WRIGHT: Or not regulated, and then
6 under the bridge, a hundred yards either side, is a
7 six all times.

8 SERGEANT GROVE: All times, yes.

9 MR. WRIGHT: So during the weekdays
10 there is kind of a gap in the speed zone between
11 the bridge and the canal.

12 SERGEANT GROVE: Yes. It's confusing.

13 MR. WRIGHT: There is one area where it
14 actually overlaps.

15 SERGEANT GROVE: The buoys that are out
16 here and on either side are essentially to get you
17 through the bridge because it's, it's an Amtrak
18 bridge and it doesn't have real good clearance.
19 There is actually only about two of the spans that
20 we shoot through because the other ones you don't
21 know what's underneath of them.

1 THE CHAIRPERSON: This is a very
2 complicated area. Okay. Thanks so much. That was
3 excellent. That was excellent.

4 So I need a committee member to --

5 MR. LUNSFORD: You want a motion?

6 THE CHAIRPERSON: Yes, let's go for the
7 motion.

8 MR. LUNSFORD: I recommend that we
9 recommend to the secretary six knots all times all
10 year and I'm basing that mostly on the physical
11 configuration of the area, the limited site lines,
12 the limited amount of navigable water that's
13 available to get past another boat.

14 One of my issues would be that if a boat
15 is in the Rumsey lake, quarry, and is coming down
16 that canal and a boat is coming up and they're
17 doing equivalent speeds of say 30 miles or 40 miles
18 an hour one outboard can't hear the other outboard
19 coming because his own outboard is two feet beyond
20 him, you have an approach speed at 60 miles an
21 hour, even at 30 miles an hour, and I think that's

1 excessive.

2 The reason I asked Mike to show the
3 Nanjemoy area was to show how much wider that is
4 where we did essentially the same thing for
5 essentially the same type of request. It was
6 interaction between bass boaters and kayakers and
7 other boats, you can see you have a lot more water
8 to maneuver and get around people. That's the
9 motion, six knots all year around.

10 MR. HELLNER: I'll second that.

11 THE CHAIRPERSON: Discussion, folks on
12 the committee?

13 MR. GRANT: Clarification?

14 THE CHAIRPERSON: Yeah.

15 MR. GRANT: Are we speaking just to this
16 regulation or including the area that the sergeant
17 spoke of?

18 THE CHAIRPERSON: Can we add it actually
19 without --

20 MR. LUNSFORD: We can recommend.

21 MR. GRANT: We can recommend.

1 MR. BUSH: Recommend the whole area.

2 MR. LUNSFORD: No, I'm sticking with the
3 canal.

4 MR. GRANT: I'm just asking.

5 MR. KLING: We shouldn't --

6 MR. LUNSFORD: We haven't had the chance
7 for public comment.

8 MR. KLING: We should not go beyond our
9 posted area.

10 THE CHAIRPERSON: We'll take your
11 recommendation.

12 MR. KLING: Well, this is not germane to
13 this motion, but we could ask on our own initiative
14 about that, looking at the other side for next
15 year. That's good for job security.

16 THE CHAIRPERSON: Okay. So we've had a
17 second.

18 MR. HELLNER: I was the second.

19 THE CHAIRPERSON: Any other discussion?

20 MR. JONES: Move the question. Let's
21 vote. Nobody wants to vote.

1 THE CHAIRPERSON: Well --

2 MR. LUNSFORD: Ramona wants to discuss
3 something.

4 THE CHAIRPERSON: No, no. I just want
5 to make sure that we're through it.

6 Bob did a good job of supporting this
7 idea, limited site lines, limited water depth. We
8 don't know what the subsurface is in under the
9 water and there is safety issue with speedboats
10 with non-speedboats, there is with speedboats and
11 speedboats. And how much time does it take if it
12 goes from whatever it is now to six knots to get up
13 there?

14 MR. JONES: 15 minutes versus four.

15 MR. KLING: I would just ask the
16 question, Bob, why -- I appreciate it's a small
17 body of water, I can't imagine especially with the
18 video going up there -- but why do we care about
19 the winter?

20 THE CHAIRPERSON: Duck hunters.

21 MR. LUNSFORD: There is duck hunters,

1 that there is an issue. I'm not a duck hunter, but
2 I'm a bass boater and I go out every weekend all
3 winter and on the Patuxent where I boat it's not
4 uncommon to find a lot of people out on nice
5 weekends in the winter and during the week it's
6 probably less of a problem, but again given the
7 limited site lines my concern is two boats
8 approaching each other and having nowhere to go
9 when they come around one of those corners and
10 there is a guy coming at you.

11 THE CHAIRPERSON: Joe.

12 MR. HELLNER: Yeah. I would respond to
13 that comment as well, to say I don't -- typically
14 when we look at summer, winter or weekend limits
15 only it has to do with the congestion and the
16 amount of activity, in this case it's the place,
17 it's the location, it's the geography, the things
18 in the river, it's the blind, the shallow water,
19 the blind corner, that doesn't change winter or
20 summer and even if it's just two bass boaters
21 that -- we heard earlier testimony -- that almost

1 missed each other that's still a pretty scary
2 situation and then when you take into account the
3 difficulty for emergency responders to get to those
4 people, and I imagine it's even more severe in the
5 winter, that why I would support a year round
6 restriction.

7 THE CHAIRPERSON: Okay. Well, let's
8 take the vote then. All of those in favor of the
9 motion as stated show of hands, please.

10 (Show of hands.)

11 MR. BUSH: Would you like to rethink the
12 motion, year round?

13 THE CHAIRPERSON: Yep, year round.

14 THE CHAIRPERSON: Those opposed? Okay,
15 the ayes have it.

16 So the recommendation will be made to
17 the secretary of DNR is that for these areas in the
18 regulatory request we recommend six knots at all
19 times year round. And then so that finishes that
20 conversation.

21 Now, you had suggested that given what

1 Sergeant Grove said we may wish to clarify or
2 consider the Days Cove area.

3 SERGEANT GROVE: Yes.

4 MR. KLING: I mean that sounds --

5 THE CHAIRPERSON: What is that lake
6 called, Days Cove and what?

7 SERGEANT GROVE: It's got a lot of
8 colloquial names. We call it the lake at Days Cove
9 instead. The cove is the cove itself.

10 THE CHAIRPERSON: Okay.

11 MR. LUNSFORD: The lake is a lake and
12 the cove is a cove.

13 THE CHAIRPERSON: So the cove is a cove
14 and the lake is nearby. Connected, which it wasn't
15 connected before.

16 SERGEANT GROVE: It wasn't connected
17 before.

18 MR. KLING: I would ask the question we
19 initiate for next year to draw that line that the
20 sergeant showed.

21 SERGEANT GROVE: You can solicit input.

1 I'm kind of surprised that some of the schools and
2 Cub Scout packs weren't here for this, because I
3 know the school entity and the gentleman that runs
4 that program would be addressing that for that
5 location because we've, we have had two actual
6 complaints up there.

7 THE CHAIRPERSON: Does somebody want to
8 make that a motion? Louis, go ahead.

9 MR. WRIGHT: Before we get too far,
10 Mike, can you go out to that one that shows a
11 little farther out? There we go. See how that,
12 you know, the one for the, the language on the
13 Gunpowder Canal one and the Little Gunpowder River,
14 where do you want me to run the line? The east
15 side is easy, the west side is a little funkier.
16 Do you want to stop there at the county line on the
17 west side or there is a graded channel that comes
18 back up to the Little Gunpowder up north of there,
19 you want it to go over to the shore where the --

20 SERGEANT GROVE: You can't -- correct me
21 if I'm wrong, but this, this, most of this area is

1 non-navigable either (indicating).

2 MR. NICOSIA: Full of stumps.

3 MR. WRIGHT: I have to have the line
4 close to something. There is a hole if you go up
5 that Little Gunpowder River.

6 MR. NICOSIA: That's the Big Gunpowder
7 River.

8 SERGEANT GROVE: Right.

9 MR. WRIGHT: Then it comes back down.

10 SERGEANT GROVE: To include this part
11 wouldn't you have to bring the line over to here
12 somewhere?

13 THE CHAIRPERSON: No. He's just trying
14 to figure out how far --

15 MR. GRANT: For now.

16 MR. KLING: He wants to know what we
17 just did.

18 SERGEANT GROVE: For what we just did,
19 I'm sorry. I would say to the, you know, to the
20 edge of this canal (indicating).

21 MR. WRIGHT: Because what happens is you

1 have this point obviously that goes to here
2 somewhere (indicating).

3 SERGEANT GROVE: Right.

4 MR. WRIGHT: But up in here if you're
5 closing, if you're putting the six on this as part
6 of that Little Gunpowder River then this basically
7 leaks back out. If we stop it here, where does
8 this stop? I can't get up there, I know that
9 (indicating), unless you have a set of coordinates
10 to actually close it.

11 I mean I have coordinates along the
12 shore, you know, (indicating) and have it closed
13 down here (indicating).

14 THE CHAIRPERSON: Bob, go ahead.

15 SERGEANT GROVE: If we do that just
16 closes the whole motion that we talked about.

17 MR. LUNSFORD: Lewis, do it the way that
18 says pick a point with your finger, pick a point,
19 any point, and say from there upstream and the
20 Gunpowder Falls and Little Gunpowder Falls, but
21 Little Gunpowder Falls is a nonissue, but --

1 MR. WRIGHT: Again, this braids off here
2 where you have this and this comes down and that's
3 why I said it gets really strange that way. And I
4 can bring it over here (indicating). Basically
5 because when this thing comes out -- this is the
6 official, I guess --

7 MR. THOMPSON: Where you're pointing is
8 the Big Gunpowder, that's the Big Gunpowder River,
9 the other channel that you're putting the six mile
10 an hour on is the Little Gunpowder.

11 MR. WRIGHT: Okay. Because they have
12 the county line --

13 MR. LUNSFORD: County line comes down
14 Gunpowder Falls, Big Gunpowder.

15 THE CHAIRPERSON: Is the county line, is
16 the county line in the middle of water or on the
17 land?

18 MR. WRIGHT: I think it's in the middle
19 of the river.

20 THE CHAIRPERSON: So I don't think we
21 should use the county line.

1 MR. WRIGHT: No.

2 MR. KLING: County line comes down the
3 Little Gunpowder.

4 SERGEANT GROVE: Right.

5 MR. LUNSFORD: My mistake.

6 SERGEANT GROVE: I don't think that's
7 designated as the big one on maps and everything
8 else.

9 MR. WRIGHT: I mean I can use my best
10 judgment.

11 THE CHAIRPERSON: Louis, use your best
12 judgment, please.

13 MR. WRIGHT: Sure.

14 SERGEANT GROVE: It comes from Bradshaw,
15 that's the Little Gunpowder.

16 MR. THOMPSON: And the Little Gunpowder
17 runs through the quarry and then comes down the
18 canal next to Taylor Creek. Where he's pointing at
19 right there that's the Big Gunpowder River.

20 SERGEANT GROVE: From here, yes, this is
21 the Big Gunpowder (indicating).

1 MR. THOMPSON: And all of the way out to
2 that county line that's the Big Gunpowder River.

3 SERGEANT GROVE: That's what he's
4 talking about, if you use the terminology correct
5 the Little Gunpowder River, it's specifically for
6 that. When we enforce that --

7 THE CHAIRPERSON: Here's what we're
8 going to do, Louis, Louis, here's what we're going
9 to do, you and Ann have figured out where
10 everything is and you're making it all work right
11 so we're going to rely on you --

12 MR. WRIGHT: Okay.

13 THE CHAIRPERSON: -- to meet the intent
14 of the motion and the recommendation to the
15 secretary in a way that is most practical to make
16 it work.

17 MR. WRIGHT: Okay.

18 THE CHAIRPERSON: Thank you, sir, for
19 raising that issue. Joe.

20 MR. HELLNER: On that area of discussion
21 there was a river on the lower left hand corner of

1 the image, I just want to make sure in this motion
2 to consider a new area going forward we're not -- I
3 heard earlier discussion that's not a problem area
4 or anything like that, but I don't know what that
5 river is called.

6 THE CHAIRPERSON: Bird River.

7 MR. HELLNER: B-I-R-D. Our motion has
8 to be further defined would not include the Bird
9 River or its entrance into.

10 MR. HELLNER: Okay.

11 THE CHAIRPERSON: So does the committee
12 want to make a motion on Days Cove seeking public
13 input on it?

14 MR. LUNSFORD: I'll make a half motion
15 along that way that we invite to the next meeting
16 the park superintendent for that area and if they
17 want to bring a guest or concessionaire that runs
18 canoes or kayaks or educational trips that we
19 invite them to come in and discuss that and that
20 will give us time to talk to them whether we want
21 to proceed putting out a buoys and going through a

1 process, but having them come in and tell us
2 whether they think there is something that needs to
3 be remedied.

4 MR. KLING: You're talking about, I
5 think we have the school, we have the --

6 MR. LUNSFORD: Days Cove.

7 MR. KLING: -- we have the board of
8 education versus the park.

9 SERGEANT GROVE: It's owned by the
10 Gunpowder Falls State Park and the board of
11 education has a lease.

12 MR. KLING: We're less concerned about
13 the concessionaire at the park.

14 SERGEANT GROVE: Correct.

15 MR. LUNSFORD: How about the
16 concessionaire at Days Cove, can you make an
17 attempt to do that?

18 THE CHAIRPERSON: Is there a second on
19 this?

20 MR. MARSH: Second.

21 THE CHAIRPERSON: Shows of hands folks

1 in favor.

2 (Show of hands.)

3 THE CHAIRPERSON: That motion passed,
4 and we'll invite the park superintendent and the
5 board of ed people who have the operation there at
6 the park and the concessionaire people that rent
7 the canoes or whatever and see if anybody wants to
8 come and talk to us about Days Cove and the lake at
9 Days Cove situation and then we'll proceeded from
10 there. How is that for everything?

11 Perfect. Thank you. Thank you all very
12 much.

13 So let's see what else is next on the
14 agenda. So it's about 11:20, shall we proceed with
15 the old business? Sandy Point.

16 MR. GRANT: Sure.

17 THE CHAIRPERSON: So you all are welcome
18 to stay and I can't tell you how much we really
19 appreciate you coming and bringing this to our
20 attention, taking your time and coming to present
21 what's actually happening up there and looking out

1 for the safety of boaters that use that water.

2 Thank you very much, we really appreciate it.

3 MR. JONES: Officer Grove, best response
4 ever.

5 SERGEANT GROVE: Thank you.

6 THE CHAIRPERSON: Sergeant, we have to
7 say the whole committee is very impressed with your
8 presentation and thank you. We'll look forward to
9 seeing you again.

10 THE CHAIRPERSON: Go right ahead, Mike.

11 MR. GRANT: Sandy Point State Park, this
12 is the same presentation, or similar presentation
13 from Ocean City. It's become effective.

14 This is the area you all were involved
15 in voting on and recommending (indicating). The
16 red area is restricted to motorized vessels. The
17 soft launch area is a six knots all times. There
18 is the final reg unless otherwise permitted in
19 advance by the Maryland Park Service access to
20 these areas is limited to nonmotorized vessels at
21 all times. That's the red area.

1 The green area is no wake at all times
2 or minimum wake, that's with the Mezick Ponds, and
3 of course the soft launch area that's six knots
4 speed limit at all times. That became effective
5 October 12. Thank you very much.

6 THE CHAIRPERSON: Thank you. Well done.
7 That was speedy, I think. When did we start that?
8 That seemed like it happened really fast.

9 (Discussion held off the record.)

10 THE CHAIRPERSON: Let's go to Deep Creek
11 Lake.

12 MR. GRANT: Deep Creek Lake, the meeting
13 with the Policy and Review Board was held Monday
14 night at 6 o'clock.

15 MR. NICKEL: I was there.

16 MR. GRANT: I'm sure you were there. I
17 understand there has been some changes made in the
18 makeup of the group.

19 MR. NICKEL: Yep.

20 MR. GRANT: And therefore any discussion
21 or recommendations or deliberations concerning

1 jetpack vessels -- not jetpack vessels, PWC
2 regulations and restrictions on the lake will be
3 held up until January until the new board is in
4 place.

5 MR. NICKEL: Correct.

6 THE CHAIRPERSON: Do you want to add
7 anything since you were there?

8 MR. NICKEL: Just hearing the rhetoric
9 and whatnot there it doesn't really probably stand
10 a chance so you probably won't see anything from
11 it. What I'm saying is there was enough opposition
12 there that I don't think it stands a chance of
13 getting out of the PRB for recommendation but,
14 again, things could change.

15 THE CHAIRPERSON: Thanks. Any, any new
16 business? Any other old business?

17 Okay. So we need a date for the next
18 meeting.

19 MR. GRANT: May I recommend that we
20 decide if we're going to have one, number one.
21 Number two, it would be our annual holiday meeting

1 and are the first two weeks in December better than
2 anything else for most people and is there a locale
3 that you prefer or locale you don't prefer? Then
4 we'll, Jeannine and I will get to work. Is that
5 too much information?

6 MR. LUNSFORD: My basement is out.

7 THE CHAIRPERSON: So if we want to have
8 the, if we hope to have the park superintendent and
9 the concessionaire and board of ed people come is
10 there a location that would be better than another
11 for that?

12 MR. GRANT: Honestly if we really wanted
13 to I guess we can probably get C1 conference room
14 maybe just to get it on campus, or that may be a
15 parking problem. Maybe we can go back up to the
16 rec center.

17 MS. MOANEY: Friends Meeting.

18 MR. LUNSFORD: The Friends Meeting.

19 MR. GRANT: That's the best parking and
20 plenty of good caterers in the area.

21 THE CHAIRPERSON: That's a good

1 recommendation, the sooner the better.

2 MR. GRANT: The sooner the better. The
3 holidays are coming so pick a place.

4 MR. LUNSFORD: One of the reasons for
5 having the December meeting is to inform the
6 committee of any prefiled legislation that may or
7 may not be on the department's radar.

8 MR. GRANT: Right.

9 MR. LUNSFORD: So if you could query the
10 powers that be and see if there is any prefiled
11 bills that might involve boating issues that we
12 either can support the department on or give the
13 department advice to the contrary.

14 MR. GRANT: Sure.

15 (Discussion held off the record.)

16 THE CHAIRPERSON: Yeah, Amy brings up a
17 great point. We have to also look at the ski
18 course language, right?

19 MR. LUNSFORD: Should be fine, Ann
20 should have that.

21 THE CHAIRPERSON: So I think there is

1 definitely -- and, Rachel, you're working on that?

2 MS. EISENHAUER: Yes, yes.

3 THE CHAIRPERSON: There is definitely a
4 good reason for the meeting, and do you have a
5 location?

6 MR. GRANT: Friends, and looking at the
7 first two weeks of December, Wednesday or Thursday.

8 THE CHAIRPERSON: And you'll send out a
9 Doodle or some scheduling thing.

10 MR. KLING: I am out of town the 14th.

11 MR. GRANT: Yes. It will be before the
12 14th, Steve. We've got that taken care of.

13 THE CHAIRPERSON: Then the last thing I
14 wanted to pass out is the expense account report in
15 case anybody wants to fill this out. I have been
16 asked by Jeannine to remind all of you to please
17 only fill out the following places: Name, address,
18 Social Security number, one way commute miles, and
19 sign it at the bottom. Don't fill out anything
20 else, she will take care of all of the middle part.
21 Name, address, Social Security number, one way

1 commute in miles, that's on the top, and then down
2 towards the bottom, signature, your signature,
3 okay. Very easy. Jeannine wants to make it as easy
4 as possible for us so we get it right.

5 THE CHAIRPERSON: Is there anything else
6 before we adjourn, anybody?

7 Okay. I think in the two years I have
8 been here I have not yet done this right all of the
9 way through. May I have a motion to adjourn?

10 MS. CRAIG: Motion.

11 THE CHAIRPERSON: Second?

12 MR. HELLNER: Second.

13 THE CHAIRPERSON: All of those in favor?

14 (Show of hands.)

15 THE CHAIRPERSON: We're adjourned.

16 (Hearing adjourned 11:29 a.m.)

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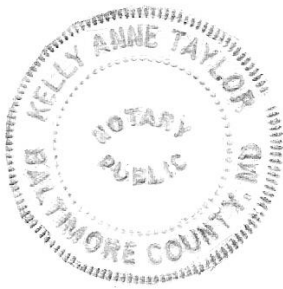
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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

3

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

8



9

Kelly Anne Taylor

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Kelly A. Taylor, Notary Public

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<hr/> <p>1</p> <hr/> <p>1.25 8:12 1.5 9:21 10 23:18 24:3 28:14 29:10 34:13 43:13 10s 23:15 11 9:19 110 10:14 11:20 77:14 11:29 84:16 12 9:16 28:14 29:8,10 30:12 33:3 79:5 125 10:14 14th 83:10,12 15 12:14 34:15 54:20 65:14 16 9:9 38:19 19 9:10 1977 26:8</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>20 12:14 29:19 35:11 54:20 56:8 25 10:10,17 11:21 12:21 13:4,6 19:11 21:17 29:9, 12,20 38:19 48:4, 7 58:7 27 9:20 48:6 275 10:13</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 19:5 20:1 21:17 29:12 30:19 32:20 62:17,21 35 48:11</p>	<hr/> <p>4</p> <hr/> <p>4.3 10:8 40 25:13 30:19 32:20 62:17 43 9:19 45 42:2</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>50 32:20 54 9:13</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 10:15 79:14 60 12:9 40:4 62:20 62 9:13 630 9:15 65 12:9</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>70 26:17 40:4 75 9:13</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 33:9 85 10:14 850 9:15 88 10:13</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 84:16 ability 48:2,13 54:15 absolutely 42:21</p>	<p>access 47:7 50:6 78:19 accidents 44:15 50:12 accommodate 3:6 account 50:8 67:2 83:14 act 4:6 5:1 active 9:6 activities 41:9 activity 17:8 58:18 66:16 actual 7:3 8:3 43:5 56:14 69:5 add 17:19 63:18 80:6 addition 41:19 address 45:20 83:17,21 addressed 47:18 addresses 54:2 addressing 69:4 adjourn 84:6,9 adjourned 84:15,16 advance 78:19 advice 82:13 advise 2:7 4:9, 14 advisory 2:7 4:6,13 5:4 50:4 afar 3:9 agenda 77:14 Agnes 22:16 23:4 agree 19:10 ahead 6:8 30:7,8 31:9 33:7 69:8 71:14 78:10</p>	<p>air 21:13 amount 62:12 66:16 Amtrak 61:17 Amy 82:16 animal 40:20 Ann 74:9 82:19 annual 80:21 anybody's 23:8 anymore 16:20 18:8 apologize 10:6 appointed 4:7 appreciated 48:3 approach 62:20 approaching 66:8 approximately 9:19 29:6 area 3:17 4:18 7:16 13:16 14:7, 12 15:3,15,21 16:4,5 20:8,11,19 21:2,16 22:18 26:13,15 27:19 28:9 30:20 31:10 33:15 35:2 36:6, 15,17,18 38:15,20 39:7 41:1,6,19 42:7,17,19 43:3,4 44:2,21 45:16 46:8 47:4,21 48:1 49:10,13,21 50:21 52:9,20 53:8,16, 20 56:3,5 57:6,8, 21 58:17 59:6 60:20 61:1,13 62:2,11 63:3,16 64:1,9 68:2 69:21 74:20 75:2,3,16 78:14,16,17,21 79:1,3 81:20 areas 21:9 26:16,21 30:7,8 31:2 36:19 38:13 44:3 45:20 58:2 67:17 78:20</p>	<p>argument 28:2 arrow 7:19,21 articulate 48:14,21 aspect 44:9 48:4 52:11 57:17 aspects 43:17 assorted 36:4 38:12 assume 55:15 assuming 39:13 assumption 53:5 attempt 76:17 attention 77:20 attest 19:2 audience 4:1 average 9:20 10:9 23:17 43:11, 13 avoid 16:7 aware 14:19 eyes 67:15</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B-i-r-d 75:7 B.A.S.S. 6:11 12:6 back 8:11 9:5 10:21 12:3 13:8 14:17 17:10,20 18:4,9 25:9,10 28:4,6,9 42:13 54:19 55:12 69:18 70:9 71:7 81:15 backside 27:9 Baltimore 25:12 41:11,13 46:17 barrier 46:11 base 60:18</p>
--	--	--	--	---

based 2:8 10:2 48:16	79:13 80:3 81:9	broke 22:16	canoeing 31:7	chance 64:6 80:10,12
basement 81:6	boat 4:6 10:11 13:13 16:9 17:7 19:1,15,21 23:8 26:12 27:10,13, 16,17,20 28:2 30:11 38:19 42:7, 8,18 55:3 59:8 62:13,14,16 66:3	broken 18:7 46:6,7,11	canoers 6:16 12:3 24:6 25:20 47:10	change 2:17 7:9 10:2 12:12 23:19 29:4 32:15 36:10 55:18 66:19 80:14
basically 10:19 60:17 71:6 72:4	boater 58:6 66:2	building 46:16	canoes 12:15 28:12 30:14 45:10 75:18 77:7	changed 29:19
basin 60:20	boaters 2:19 7:1 34:8 58:14 63:6 66:20 78:1	built 23:1	care 65:18 83:12, 20	changing 32:17
basing 62:10	boating 2:9 5:2, 11 41:9 47:16 50:17 51:17 82:11	bumps 39:9	careful 19:20	channel 8:2,10 9:12 10:4 14:8 22:11,14 36:11 56:13 59:14,15 69:17 72:9
basis 23:15 43:14 45:16 55:18	boats 2:20 4:19 12:5 21:13,14 23:14,19,21 24:3 26:2 28:15 29:2,3 31:19 34:13,15 43:2,13,16,17 46:5,20 63:7 66:7	bunch 47:1	case 10:1 66:16 83:15	Charles 10:8
bass 12:5 13:13 17:7,11 21:14 23:9 27:10 29:3 31:19 33:10 34:8, 11 43:2 46:5,20 63:6 66:2,20	Bob 65:6,16 71:14	buoy 14:16 15:6 36:14 57:10,21	cases 4:14,15 60:5	chart 10:16 14:21
Bay 4:11	body 46:4 60:5 65:17	buoys 14:10,14 57:14 61:15 75:21	catch 7:21	check 43:4,8
Bays 4:11 41:19	bolster 41:16	BUSH 13:10 64:1 67:11	caterers 81:20	checking 52:9 53:7
beach 53:16	bottom 83:19 84:2	business 77:15 80:16	cell 4:4	Chesapeake 4:11
beautiful 2:4	Bradshaw 73:14	busy 43:12	center 46:15,17 81:16	children 28:20
beginning 6:13 18:10 44:14	braided 36:17	<hr/> C <hr/>	cetera 8:6	citizens 2:12 3:8,15 4:21
beltway 42:3	braids 72:1	C1 81:13	Chairman 35:9	City 78:13
bend 6:14 26:18 30:13 34:19	break 19:8	CAD 44:13	CHAIRPERSO N 2:2 4:2 5:18 7:11 11:1,5,11 13:3 14:20 15:9 16:13,17,20 17:14,18 20:6,13 21:20 22:17 23:10 24:5 25:1,5 29:15 31:8 33:5,7 34:2 35:5,17 37:18 40:1,16 49:5 51:5, 12 56:10,15,17,19 57:1,4 58:15 60:14 62:1,6 63:11,14,18 64:10,16,19 65:1, 4,20 66:11 67:7, 13,14 68:5,10,13 69:7 70:13 71:14 72:15,20 73:11 74:7,13,18 75:6, 11 76:18,21 77:3, 17 78:6,10 79:6, 10 80:6,15 81:7, 21 82:16,21 83:3, 8,13 84:5,11,13, 15	Clarification 63:13
bends 26:16 27:1 30:21 31:5 32:6	breaks 18:8	called 2:2 68:6 75:5	calls 44:13,15	clarify 57:6 68:1
big 13:13 52:17 60:10 70:6 72:8, 14 73:7,19,21 74:2	bridge 13:18 14:6,15 15:8 18:12,18,20 49:15 57:7 58:18,21 61:6,11,17,18	calls 44:13,15	campus 81:14	clarifying 60:13
bigger 53:8	bring 21:10 70:11 72:4 75:17	canal 6:2,5 7:6 8:4,18 9:7,14,18 12:7 13:12 14:16 15:7,15 16:14 18:10,11,13,20 19:10 20:11 21:3, 8,9 30:16 36:1,13 37:6 38:20 39:20 42:13 49:12 54:18,19 57:11, 12,19 59:4,5,21 60:3,16 61:11 62:16 64:3 69:13 70:20 73:18	center 46:15,17 81:16	class 41:17
bills 82:11	bringing 77:19	canals 15:16 28:15 57:7 59:20	catch 7:21	clear 6:8 27:18
Bird 14:9 42:11 49:18 75:6,8	brings 5:3 82:16	canoe 16:4 46:18	cell 4:4	clearance 61:18
bit 40:9			cell 4:4	close 22:20 27:10 36:5 70:4 71:10
blade 38:4			center 46:15,17 81:16	close-up 8:20
blind 66:18,19			cetera 8:6	closed 71:12
block 9:4			Chairman 35:9	closer 7:18 8:8 9:9 36:5
blocked 23:3			CHAIRPERSO N 2:2 4:2 5:18 7:11 11:1,5,11 13:3 14:20 15:9 16:13,17,20 17:14,18 20:6,13 21:20 22:17 23:10 24:5 25:1,5 29:15 31:8 33:5,7 34:2 35:5,17 37:18 40:1,16 49:5 51:5, 12 56:10,15,17,19 57:1,4 58:15 60:14 62:1,6 63:11,14,18 64:10,16,19 65:1, 4,20 66:11 67:7, 13,14 68:5,10,13 69:7 70:13 71:14 72:15,20 73:11 74:7,13,18 75:6, 11 76:18,21 77:3, 17 78:6,10 79:6, 10 80:6,15 81:7, 21 82:16,21 83:3, 8,13 84:5,11,13, 15	closes 71:16
blows 34:1			calls 44:13,15	closing 71:5
board 4:13 50:7 54:1 76:7,10 77:5			campus 81:14	club 45:4

clumps 36:2	conference 81:13	couple 17:19 18:1 37:13 42:14, 17 43:2 60:4	Days 8:6 25:18 28:9 46:2,8,14,16 68:2,6,8 75:12 76:6,16 77:8,9	design 48:17
Coastal 4:10	configuration 62:11	court 48:5 58:4, 7,8	daytime 12:21 13:6	designated 73:7
Coles 21:20 22:17 31:9 33:7 56:17 58:15	confluence 6:5, 7	courtesy 12:17	dead 31:4	destroy 31:18
colloquial 68:8	confrontations 28:7	cove 8:6 25:18 28:9 46:2,8,14,16 68:2,6,8,9,12,13 75:12 76:6,16 77:8,9	dealing 53:1,2	detailed 11:15
comment 51:15 64:7 66:13	confused 21:21 29:18	cover 41:10 52:12	debris 14:1	development 60:10
comments 20:16	confusing 61:12	CRAIG 84:10	deceased 56:1	dictate 48:9
Commission 50:5	congestion 66:15	crank 35:13	December 81:1 82:5 83:7	difference 29:11 33:1 60:11
committee 2:6, 7 4:6,7 5:4,7 15:10 25:2 29:16 57:5 62:4 63:12 75:11 78:7 82:6	connected 68:14,15,16	crazy 13:9 23:9 50:14	deceptive 36:4	differentiate 49:4
committee's 60:15	conservation 6:10	create 6:21	decide 80:20	difficult 39:5
community 52:21	consistent 5:10	creating 48:19, 20 50:20	decided 5:7	difficulty 16:3 67:3
commute 83:18 84:1	contained 46:3	Creek 4:11,12 10:6 42:10 44:2 53:15 56:16 73:18 79:10,12	decision 2:12, 15	directed 57:10
compadres 12:6	continue 26:18	creaks 12:3	decisions 4:14	direction 31:21
comparison 11:20	contrary 82:13	cross 15:5 20:5 44:21 58:21	dedicate 48:1	director 6:10
complaints 44:16 46:20 47:19,20 50:12,14 69:6	conversation 67:20	Cub 69:2	dedicated 42:18	discuss 65:2 75:19
complicated 62:2	coordinates 71:9,11	cut 8:5	deep 4:11,12 22:18 79:10,12	discussing 6:1 15:15
compromise 12:1	corner 21:15 22:6,15 27:11 30:17 66:19 74:21	cuts 38:10	defined 75:8	discussion 3:18 11:13 51:14 63:11 64:19 74:20 75:3 79:9,20 82:15
concept 58:6	corners 66:9	<hr/>	deliberations 79:21	distance 37:12 60:4
concern 31:11 38:7,18 66:7	correct 9:2 14:13 69:20 74:4 76:14 80:5	D	demarcation 25:13,15	DNR 2:14 5:1 50:3 67:17
concerned 76:12	corrected 6:3	daily 43:14	department 2:8 4:8 5:12 7:1 41:15 45:19 55:9 56:7 82:12,13	dollars 58:7
concerns 3:6, 15 24:10	costs 58:7,8	dam 22:21 23:1 39:18,19	department's 82:7	donuts 27:21
concessionair e 75:17 76:13,16 77:6 81:9	counties 25:14	dangerous 21:7,11 24:14,17 28:21	depending 48:13 55:18,20	Doodle 83:9
	county 10:8 25:12 41:11,13,14 46:17 69:16 72:12,13,15,16,21 73:2 74:2	darn 12:7	depends 31:20, 21	door 40:13 58:8
	County/ harford 25:12	date 80:17	deploy 54:16	doors 18:1
		day 2:4 9:5 12:8 24:4 29:20	depth 9:20 10:9 16:11 39:1 65:7	drag 48:10
			depths 36:9	drainage 14:8
				draw 49:19 53:9 68:19
				dredged 10:4

driver's 53:6	enforcement 47:14,15 51:1,10	<hr/> F <hr/>	finishes 67:19	funny 44:12
drives 13:7	enforcement-wise 50:20	fabulous 5:14	fire 45:18 54:14, 20,21 55:9,15 56:7	future 41:17
drop 52:3	entire 15:16	fact 40:20	fish 17:10 45:2,6	<hr/> G <hr/>
duck 18:4,5 65:20,21 66:1	entity 69:3	factor 19:18	fisheries 7:1 50:4	game 57:21
due 41:2	entrance 13:18 20:18 22:1,2 35:20 60:17 75:9	failure 47:17	fisherman 43:9 45:8 52:4,5	gap 46:13,21 61:10
.dumps 52:19	enumerate 57:13	fair 57:21	fishermen 23:9 32:14 43:5 45:8 52:9	gate 9:3,4,10
Dundee 42:10 44:2 53:15	Environmental 46:15,16	fairly 41:1	fishing 12:11 17:12 23:13 27:10,12,18 30:11,15 31:7 33:9 34:16 52:7	generally 9:21 32:2
<hr/> E <hr/>	equipment 45:15 48:16	falling 9:10 10:2 37:7	fit 47:8	generating 58:12
earlier 66:21 75:3	equivalent 62:17	Falls 6:2,4 8:14, 19 9:18 41:21 53:10,16 71:20,21 72:14 76:10	flash 56:2	gentleman 69:3
easily 23:19 34:14 60:7	eroded 37:7	farther 36:17 39:8 69:11	flat 13:18 20:3 21:13 44:3	geography 66:17
east 37:6 69:14	erosion 6:18	fashion 42:15	flats 20:8	germane 64:12
easy 24:4 69:15 84:3	essentially 6:4 42:16 61:16 63:4, 5	fast 12:7 24:16, 20 26:10 40:7 55:14 79:8	flooding 56:2	gingerly 16:10
ed 77:5 81:9	estimate 54:5 56:8	faster 55:13,16	fly 24:11 29:4 48:18 58:2	give 12:16 35:19 40:10 75:20 82:12
edge 38:1,4 70:20	event 36:8	favor 67:8 77:1 84:13	flying 27:11	glad 11:19
education 76:8, 11	excellent 62:3	favorable 12:5	focused 16:13	good 12:1 30:9 40:19 52:11 60:4 61:18 64:15 65:6 81:20,21 83:4
educational 75:18	excess 48:15	feel 11:18	folks 2:11 3:14 11:2 13:3 15:9 24:7 35:6 63:11 76:21	graded 36:19 69:17
effective 78:13 79:4	excessive 63:1	feet 9:21 10:9 30:19 62:19	follow 7:19	graduates 41:17
EISENHAUER 83:2	existence 10:18	fence 49:8	foot 38:19 43:5 52:8	Grant 5:2,20 7:8, 15 9:3 11:3 14:2 15:1,20 20:10,14 25:9 29:6 35:9,19 39:21 40:6,10 58:19 61:4 63:13, 15,21 64:4 70:15 77:16 78:11 79:12,16,20 80:19 81:12,19 82:2,8, 14 83:6,11
electric 16:8 31:16	expand 52:13	figure 38:6 70:14	forget 29:1	grass 36:2,19
electronics 48:8 49:4	expanding 45:9,11	figured 74:9	forward 75:2 78:8	gravel 23:3
Elite 23:20	expands 57:13	fill 83:15,17,19	frequent 34:2	great 51:7 82:17
emergency 54:6 67:3	expense 83:14	filled 22:10	friends 45:7 81:17,18 83:6	green 79:1
employ 45:18	experience 2:21 3:2 32:1 48:14	film 40:9	front 16:9	
encounter 42:20	explanation 59:18	final 78:18	full 26:11 70:2	
enforce 50:16 58:2 74:6	extreme 13:19 31:11	finally 28:4	funkier 69:15	
		find 5:20 44:13 66:4		
		fine 5:17 82:19		
		finer 35:12		
		finger 71:18		

group 79:18	half 33:4 38:21 55:1,7 75:14	38:2,3 39:17 55:16 56:1	ideally 56:7	input 68:21 75:13
groups 12:14 28:20	hammer 12:19	Hold 15:1	idle 12:17	inside 24:16
Grove 3:16 14:12 15:5 20:15 40:18,19 44:8 49:7,17 51:18 54:11 55:17 56:9, 12 57:9 58:1,20 59:2,5 61:8,12,15 68:1,3,7,16,21 69:20 70:8,10,18 71:3,15 73:4,6,14, 20 74:3 76:9,14 78:3,5	Hammerman 42:9 53:16	hole 70:4	Ike 23:20	intent 74:13
GROVER 60:7	hand 10:5 11:16 74:21	holiday 80:21	image 75:1	interaction 63:6
guarantee 28:18	hands 67:9,10 76:21 77:2 84:14	holidays 61:3 82:3	imagine 65:17 67:4	interactive 5:14
guess 11:9 16:11 32:21 49:12 54:9 72:6 81:13	happen 28:7 44:20 47:12	hollering 28:4	impossible 26:10	interconnected 36:20
guest 75:17	happened 46:10 79:8	Honestly 81:12	impressed 78:7	interested 2:10
Gunpowder 6:1,2,3,6,14 8:1,4, 14,19 9:6,7,16,17, 18 12:4 18:7 20:11 25:19 26:14 38:10 41:21 42:11 44:1 53:10,15 69:13,18 70:5,6 71:6,20,21 72:8, 10,14 73:3,15,16, 19,21 74:2,5 76:10	happening 77:21	Honor 48:6	inches 16:11,12	interrupt 4:4
guns 51:12	hard 48:5 55:14, 19 59:19	hope 7:4 81:8	incident 39:4 44:11 51:4	introduce 3:1, 12,21 4:1
guts 32:3	Harford 41:13, 14	hospital 54:8	incidents 44:16	invite 7:12 75:15,19 77:4
guy 12:8 27:8,12, 15,16,18,20 28:1 59:11,12 66:10	hazard 6:21 13:17	hospitalization 54:9	include 70:10 75:8	involve 82:11
guys 17:10,12,13 21:13 23:12 24:10 28:5 31:15 38:9 41:7 43:7 46:12 51:10,20 54:21 55:15	head 35:1 60:19	hour 6:12 7:4 11:18 12:9 13:1,5, 7,8 14:15 15:4,8 18:11 19:6,9,12, 14 20:2 21:18 24:19 26:7,17 29:5,8,9 33:3,14 40:5 42:3 48:4,6,7 55:1,7 62:18,21 72:10	including 63:16	involved 78:14
<hr/> H <hr/>	hear 2:10 62:18	hours 13:1	increase 44:1	island 11:15 12:2 27:5,9 36:16
hairy 16:6	heard 11:10,14 51:8 55:13 66:21 75:3	houses 26:4	increasing 43:21	islands 31:2,6 36:20
	hearing 51:13 80:8 84:16	hundred 9:17 30:12 61:6	indicating 8:3, 7,11,16 9:1,8,11, 17 10:17 12:10 14:3,8,10,19 16:1, 5 18:10,14 20:4, 12,14,19 21:5 22:3,7,9,12,13,16 26:3,6,10,15,21 27:3,5,10,19 28:10,13 29:12 30:8,14 31:1 33:16 42:8 46:5,9, 17 47:3,4 49:11, 14,20 53:17 59:13,15 70:1,20 71:2,9,12,13 72:4 73:21 78:15	isolated 41:6 44:10 46:1 47:2
	heavily 41:21	hundreds 23:15	inflation 45:19 54:17 55:11	issue 54:3 58:13 65:9 66:1 74:19
	held 11:13 51:14 79:9,13 80:3 82:15	hunter 66:1	inform 82:5	issues 62:14 82:11
	HELLNER 54:4 55:8 56:6 57:6 63:10 64:18 66:12 74:20 75:7,10 84:12	hunters 18:4 65:20,21	information 60:16 81:5	<hr/> J <hr/>
	helpful 40:2,17	hunting 18:5	initiate 68:19	January 80:3
	high 6:17,20 33:20 34:6 37:2 46:11 47:21	hurry 32:20	initiative 64:13	Jeannine 81:4 83:16 84:3
	higher 38:8	Hydrilla 26:9 33:16	injured 54:5	jet 6:19 24:14 49:1
	hills 39:9	hydrology 57:17		jetpack 80:1
	hit 14:11 32:4	<hr/> I <hr/>		job 5:14 64:15 65:6
		idea 35:15 39:10 65:7		Joe 66:11 74:19
				John 23:10
				jointly 41:12
				Jon 38:19 42:6,8,

18	kinds 4:20 10:3	leads 14:16	lookout 47:17	makeup 79:18
JONES 44:5 64:20 65:14 78:3	KLING 17:1,7 37:20 51:6,13,15 64:5,8,12 65:15 68:4,18 70:16 73:2 76:4,7,12 83:10	leaks 71:7	lost 19:4	making 3:5 74:10
Joppa 8:2 9:12 15:20 53:15 57:18	knew 28:18	lease 76:11	lot 10:4 11:1 13:21 17:9,16,20 24:9 25:20 28:11, 12,13 36:7 41:7 43:8 45:15 48:1 53:5,19 63:7 66:4 68:7	maneuver 63:8
Joppatowne 8:10 14:17 26:3,4 57:12 59:21 60:16,20	knock 28:1	led 48:14	lots 2:21 26:2	maneuverabilit y 47:9
judge 58:5	knocked 27:13, 15,17,20	left 8:3 9:4 22:11 36:6,15 60:2 74:21	Louis 35:10,19 37:21 40:1,17 69:8 73:11 74:8	maps 5:14 73:7
judgment 73:10,12	knots 8:9,18 9:13 10:10,12,17 11:21 13:13 14:13 15:6,17 22:4,19 31:12 37:15 38:6 48:19 49:11,21 50:21 51:16 57:8, 16 58:19 59:1,3, 11 60:8,17 62:9 63:9 65:12 67:18 78:17 79:3	legislation 82:6	low 13:16,20 16:1,2,7 19:1,17 31:11,16,20 33:17,21 34:7 37:2 41:6 44:4 45:16 47:8,9	March 44:14
judicial 58:5	knowing 48:10	length 21:8	lower 8:4,13,18 9:16 19:4 32:18 74:21	marina 33:11 56:13
junk 19:3 38:12	knowledge 2:9 10:1 20:21 48:16 51:19 53:3,20	letter 7:2,4	LUNSFORD 39:16 40:15 44:7 49:15 59:4,18 60:9 62:5,8 63:20 64:2,6 65:2,21 68:11 71:17 72:13 73:5 75:14 76:6, 15 81:6,18 82:4,9, 19	marinas 41:4
K	L	Lewis 60:14 71:17	M	Mariner 6:15 8:1,9 42:12 54:17 56:10,13 57:11,19
Kathy 29:16	lake 4:12 24:20 46:2,3,9 62:15 68:5,8,11,14 77:8 79:11,12 80:2	liaison 5:3	Madam 35:9	marked 14:9 32:12
kayak 16:4 30:12 52:7	land 72:17	licenses 53:6	made 6:16 25:14 29:18 67:16 79:17	marks 32:12 38:4
kayakers 6:17 12:2 17:3 19:19 21:10 24:5,14 36:21 38:5 43:3, 20 47:10 52:16 53:3,9 63:6	lands 41:20	limit 2:16 4:18 6:13 11:19 24:19 40:21 79:4	main 57:11	marsh 13:4 21:15,21 22:4,18 31:10 32:1,6,19 33:6,8 34:11,15, 18 35:1 56:18 58:16 59:3 60:8, 13 76:20
kayaking 31:7	language 69:12 82:18	limited 62:11,12 65:7 66:7 78:20	maintain 47:17	maritime 43:17
kayaks 12:15 28:12 30:5,14 37:13 45:11 53:11,19 75:18	large 36:7 39:13 41:1 44:3	limits 58:17 66:14	make 2:12 3:3, 12,19 5:5,9 7:12 12:21 20:21 21:6 45:17 46:12,13 49:10 55:8,16 65:5 69:8 74:15 75:1,12,14 76:16 84:3	Maryland 3:3 4:10 5:9 78:19
Kent 11:15 12:2	larger 45:7 53:2	lines 25:15 62:11 65:7 66:7	makes 2:15 4:13 50:21	maximum 9:19
key 19:17	laser 7:19	list 11:2		medevac 54:10
kidding 55:20	launch 7:21 8:9 26:5 33:11 42:10 58:16 78:17 79:3	live 17:21		meet 40:13 74:13
kids 28:13 47:1	law 19:8	lived 26:7		meeting 2:2 3:11 29:19 75:15 79:12 80:18,21 81:17,18 82:5 83:4
kind 16:3,6 30:2 36:19,21 39:9 40:20 41:4 42:19 44:12 46:18 47:3, 18 48:9,17,21 49:2,7,8 50:13 51:2,21 53:12 57:13 59:13,16 61:10 69:1	lead 4:16	lives 7:3 17:21		member 62:4
kinda 57:14		local 10:1 20:21 52:19 53:1,3,19		members 2:6 3:1,21 4:1 25:2 29:16
		locale 81:2,3		mesh 9:4
		locals 45:3		met 6:10 7:2
		location 42:9 66:17 69:5 81:10 83:5		
		log 38:2 55:16		
		logs 13:21 14:11 16:6 36:3 38:11, 16		
		long 2:20 21:9 40:8 50:13 54:5,7		
		longer 27:4		

meter 38:21	morning 40:19	navigation 80:20,21 83:18,21 57:16	numerous 41:3 50:12	outcomes 12:5
Mezick 79:2	motion 62:5,7 63:9 64:13 67:9, 12 69:8 71:16	navigational 32:12		outfitter 53:11
mic 35:19	74:14 75:1,7,12, 14 77:3 84:9,10	nearby 68:14	O	overlaps 61:14
middle 9:21 41:1 72:16,18 83:20	motor 13:16 16:9 27:21 31:12, 17,18	nears 60:18		overrides 51:2
Mike 5:2,18 7:7, 11 11:1,17,19 14:20 20:6 35:8 60:18 63:2 69:10 78:10	motorboaters 2:20	necessarily 21:8 55:12		overview 7:16
mile 6:12 7:4 8:14 11:18 13:1 24:19 29:5,8 48:4 72:9	motorboats 6:19	needed 54:9		owned 76:9
miles 8:12 10:9 12:9 13:5,6,8 14:15 15:4,8 18:11 19:6,9,12, 13 20:1 21:18 26:7,17 29:4,7,9 33:2,14 40:5 48:6, 7 62:17,20,21 83:18 84:1	motorized 78:16	negligent 47:16		oxymoron 59:16
mind 3:20	mouth 22:21 36:1,16 39:1	nice 66:4	observations 3:17	P
mine 19:15 25:17	move 32:11 36:8 42:13 64:20	Nick 8:21 18:2,3 24:8	occasional 52:4	packs 69:2
mined 60:2	moving 32:17	NICKEL 79:15, 19 80:5,8	occur 51:4	paddleboarder 24:6 44:6,9 45:11 47:10
minimum 9:18 54:20 79:2	Mr.nicosia. 35:7	Nicosia 7:2 9:2 11:6 25:5,6,10 29:7 30:3,6 31:14 32:3,8,21 33:13 34:4,14,17,21 35:3 40:3,7 56:21 57:3 70:2,6	occurring 56:2	paddleboards 4:19 51:10 53:11
minute 29:11 54:20	mud 13:21 16:7	night 13:7,8 79:14	Ocean 78:13	parallel 59:20 60:4
minutes 29:8,10 33:2,3,4 35:11 42:2 54:20 55:6 56:8 65:14	muddy 33:16	non-navigable 6:4 70:1	October 79:5	park 6:15 25:19 41:9,20 42:1 43:6 53:10 75:16 76:8, 10,13 77:4,6 78:11,19 81:8
missed 67:1	multifaceted 41:18	non-speedboats 65:10	odd 35:11	parking 81:15, 19
misses 50:15	myopic 51:21	non-existent 18:8	officer 48:13 55:2 78:3	part 18:6 32:18 37:9 52:20 53:5 54:13 70:10 71:5 83:20
mistake 73:5	N	non-issue 71:21	officers 41:10, 14,15 42:17	parts 53:3
mix 58:14	names 6:11 68:8	nonmotorized 6:21 78:20	official 72:6	pass 2:10 83:14
mixture 47:5	Nanjemoy 10:5 11:20,21 63:3	normal 16:2 42:15 47:20	ongoing 5:11	passed 77:3
MOANEY 81:17	narrate 35:13	north 69:18	open 26:11,12 34:20 39:7 60:9	passing 36:21
Monday 79:13	narrow 22:11 30:16,20	northwest 34:1	operation 77:5	past 6:4 28:16 59:3 62:13
months 17:8 52:2	Nation 6:11 12:6	note 43:10	operational 44:16	Patapsco 42:2 55:3,21
moon 31:21	Natural 2:8 4:8 5:13	noticed 33:18	opinion 17:6 49:19 58:11	patrol 43:4 47:21 48:1 52:9
	nautical 10:9	NRP 12:21	opposed 33:3 67:14	Patuxent 66:3
	navigable 13:12 22:12 62:12	number 23:14	opposition 80:11	people 2:6,10 9:4 11:3 12:5,18 13:9 17:20 26:14
	navigate 6:19 15:16 31:12 47:6		options 54:12	
			order 2:3	
			original 8:17	
			outboard 13:14 31:18 62:18,19	

31:7 32:13,19 33:9 45:1,5,6 50:15 52:17 53:7 57:15 63:8 66:4 67:4 77:5,6 81:2,9	48:12 playback 40:11 playing 35:4 pleasure 3:4 plenty 81:20 plume 52:17 point 8:1,9 30:3 42:13 45:12 51:4 54:17 56:11,13 57:11,19 71:1,18, 19 77:15 78:11 82:17 pointer 7:20 pointing 14:5 46:3,4 72:7 73:18 points 21:7 24:18 35:12 police 2:11 Policy 79:13 pond 8:6 18:9 24:11,17,18 27:14 Ponds 79:2 pool 45:8 pop 38:9 popular 45:2 portion 36:1 possibly 32:8 posted 15:2 64:9 power 6:17 powerboat 17:8 47:8 powerboater 52:5 powerboaters 53:4 powers 82:10 practical 74:15 PRB 80:13 prefer 81:3 prefiled 82:6,10	premise 51:16 present 7:16 77:20 presentation 3:13 7:12 10:19 20:17 29:18 35:18 51:7 78:8,12 pretty 24:13,21 30:9 31:16 37:2 48:19 49:18 53:12 55:14 67:1 primarily 4:16 problem 26:15 27:1 31:3 37:1 44:18,19 45:12, 13,14 46:14 50:19 66:6 75:3 81:15 problematic 42:5 45:21 problems 31:6 41:2 proceed 75:21 77:14 proceeded 77:9 proceedings 4:5 process 76:1 program 5:2 69:4 project 5:12 prop 37:18,20 39:17 proper 47:17 protect 6:16 provided 35:10 public 46:17 58:13 64:7 75:12 pulling 45:2 53:6 pulls 42:1 put 7:5 11:19 33:11 36:14 57:14 putt 59:11,12 putting 52:18 71:5 72:9 75:21	PWC 80:1 <hr/> Q <hr/> quarry 6:15 7:3 8:12,13,15,19,21 9:5,8 13:19 16:18, 19 17:10 20:11,12 21:5,12 22:15 23:1,2 26:20 31:1 35:1 39:7,9 43:6 56:8 62:15 73:17 quarter 29:5 quell 48:2 query 82:9 question 4:6 15:15 20:7 29:17 35:9 54:7 64:20 65:16 68:18 questions 8:7 13:2,3 16:21 17:15 25:1 29:16 31:9 33:5 35:5 40:16 56:20 57:2 quick 24:21 58:16 <hr/> R <hr/> Rachel 83:1 radar 48:5 51:12 82:7 railroad 49:15 57:7 rains 56:1 raised 11:16 raising 74:19 Ramona 10:21 65:2 ramp 8:1,9 10:12 26:1,5 33:12 55:11 58:17 59:3, 21 60:16 ramps 56:14 ran 37:14	real 27:10 30:20 33:16 40:7 44:15 58:16 61:18 realize 39:19 reason 7:21 11:16 29:3 30:7 60:11 63:2 83:4 reasons 82:4 rec 81:16 received 7:2 recently 5:7 46:10 reckless 50:17 recommend 62:8,9 63:20,21 64:1 67:18 80:19 recommendati on 2:13,14 49:6 64:11 67:16 74:14 80:13 82:1 recommendati ons 3:18 5:5 79:21 recommending 78:15 <hr/> record 11:13 50:14 51:14 79:9 82:15 recreational 45:8 recreationally 52:16 red 78:16,21 reduce 5:10 6:17 referring 60:3 reg 78:18 regard 44:15,20 49:9 58:14 regulated 61:5 regulation 63:16 regulations 5:8 20:8 80:2
---	---	--	--	---

regulatory 2:16 3:13 4:9,17 5:11 67:18	restricts 14:18	runoff 36:7,9	seeking 75:12	show 28:17 63:2, 3 67:9,10 77:2 84:14
rely 74:11	result 37:17	runs 8:4 9:12 10:15 21:3 35:11 69:3 73:17 75:17	send 2:13 83:8	showed 68:20
remedied 76:3	ret 14:10		sergeant 3:16 14:12 15:5 20:15 35:14 40:18,19 41:6 44:8 49:7,17 51:6,18 54:11 55:8,17 56:9,12 57:9 58:1,20 59:2, 5 60:7 61:8,12,15 63:16 68:1,3,7,16, 20,21 69:20 70:8, 10,18 71:3,15 73:4,6,14,20 74:3 76:9,14 78:5,6	showing 40:4
remind 2:5 83:16	rethink 67:11	S	series 23:21	shows 14:21 69:10 76:21
remote 41:5	revenue 58:12	safe 3:5 19:21	service 44:13,15 78:19	shrubbery 59:10
rent 53:14 77:6	reverts 45:13	safety 17:5 51:2 58:13 65:9 78:1	set 10:3 71:9	side 22:13 25:16, 17 27:7 36:3 37:5, 6 47:8 60:1 61:6, 16 64:14 69:15,17
rents 53:11	Review 79:13	sailboaters 2:19	severe 67:4	sides 14:15
report 83:14	rhetoric 80:8	sand 23:2	severely 54:4	sign 83:19
request 4:17 5:21 6:9,16 8:17 29:19 63:5 67:18	riddled 26:8	Sandy 77:15 78:11	Sewell 6:10 7:7, 14 11:6,7,9,14 13:6,11,15 14:6, 14 15:2,18,21 16:15,19,21 17:3, 9,17 18:2 29:21	signature 84:2
requesting 6:12	ride 40:13,14	sat 42:19	set 10:3 71:9	signed 11:17
requests 3:13 4:9,21	right-hand 27:7 37:5	Saturday 23:18 43:12 61:2	severely 54:4	siltation 6:18
rerun 40:3	river 6:1,6,14 14:9 16:17 18:7 21:4 23:3 25:16 49:18 66:18 69:13 70:5,7 71:6 72:8, 19 73:19 74:2,5, 21 75:5,6,9	Saturdays 34:5	shallow 14:8 18:15,16 27:7 32:15 33:16 37:2 39:2 66:18	similar 78:12
rescue 45:14 54:14	rivers 25:15	scary 67:1	sharp 6:14,20	sir 13:11 21:19 23:11 74:18
residences 60:1	Riverside 10:11	scattered 36:2	sheltered 51:20	sit 27:16
resident 52:19	roadway 43:7	scene 38:14	Sheriff's 41:15	site 62:11 65:7 66:7
resources 2:8 4:8 5:13 42:1 48:2	roaring 28:16	scheduling 83:9	shift 56:5	sites 2:9
respect 50:19 51:19 52:18 59:17	rock 39:13	school 47:1 69:3 76:5	shifts 21:1	situation 33:21 67:2 77:9
respond 39:4 56:7 66:12	rocks 38:3 41:20	schools 46:18 69:1	shoot 27:8 42:11 46:13 50:2 54:18 61:20	size 10:6
responders 55:10 67:3	rodeo 24:1	Scott 6:9 14:2 17:21 18:4 19:11	shooting 46:21	ski 82:17
response 4:5 42:5 54:20,21 78:3	roll 32:11	scout 12:13 69:2	shop 42:9	skiers 24:14
rest 43:3 59:5	room 81:13	scrape 38:4	shore 39:12,13, 14 69:19 71:12	skis 6:19 49:1
restricted 78:16	round 7:5 13:10 17:2 51:17 67:5, 12,13,19	screen 7:20 10:7,16	shoreline 6:18	slow 12:17 32:8 56:4 57:16
restricting 50:5	Route 10:15 25:13	season 18:5 23:17 51:17	shot 31:4 40:10	small 2:20 65:16
restriction 67:6	routine 45:16	secretary 2:7, 14 3:19 4:8,9 51:9 62:9 67:17 74:15		smaller 34:7
restrictions 80:2	ruin 26:12	section 8:13 14:13 35:21		SMITH 29:17 30:1,4
restrictive 38:13	Rumsey 62:15	security 64:15 83:18,21		snippets 52:1
	run 20:17,18 21:15 41:12,18 46:14,18 60:3 69:14			Social 83:18,21
	running 9:8 19:21 32:20 42:3			soft 78:17 79:3
				softball 60:5

sojourns 12:15	25:7 33:9 35:21	51:8 52:16 53:12,	system 44:13	thoughts 3:15
solicit 68:21	36:5 48:18,20	19 58:6,10,13	58:5	throttle 26:12
son 18:3	52:11 54:1 79:7			Thursday 83:7
sooner 82:1,2	started 27:21	stump 32:4	T	ticket 12:20 58:9
sort 25:21	28:4	38:15		tide 13:16 16:2,7
sounds 51:9	starting 3:20	stumps 26:9,11	taking 33:2	19:2,17 31:11,16,
68:4	39:6 53:21	32:10,17 33:17	77:20	20 32:10 33:17,
south 6:5,7	starts 33:8,10	70:2	talk 3:1,16 4:15	20,21 34:6,7 37:2,
38:10	state 2:18 3:8	subject 49:14	7:13 15:10 45:6	3 46:11
spans 61:19	5:3,8 25:19 41:20,	56:1	75:20 77:8	tides 13:20
speak 2:11 3:14	21 53:10 58:12	submerged	talked 71:16	tilt 31:19
11:2 12:19 16:10	76:10 78:11	36:3	talking 6:7 11:17	time 2:20 6:13
speaker 10:20	state's 3:7	subsurface	20:17 21:2 25:18	7:1 8:18 10:10,12
speaking 30:4	stated 7:4 67:9	65:8	29:10 43:17 49:3	15:19 23:20 24:2
32:2 63:15	states 25:15	sudden 38:9	54:19 58:11 59:7	27:9 29:11 32:10,
specific 15:14	stay 20:4 77:18	suggested	74:4 76:4	15,16 33:10 35:4
specifically	Steve 16:21 51:5	67:21	taller 27:4	40:21 41:7 42:2,
74:5	83:12	suggestion	taxpayer 37:20	20 43:3,4,6 45:12
speed 2:16 4:18	stick 27:4	12:21 21:7	Taylor 56:16	50:18 51:4 52:13
6:13,17,20 11:19	sticking 37:6	summer 25:21	73:18	65:11 75:20 77:20
14:18 35:12 38:8	64:2	50:13 66:14,20	technically	times 9:14 10:18
40:21 41:3 47:8	stone 22:21	summertime	49:12	11:21 17:4 24:13,
50:16 58:17,18	23:1,6	41:8	terminology	15 28:13 42:18
61:10 62:20 79:4	stop 12:17 69:16	Sunday 23:18	74:4	43:15 52:8 61:7,8
speedboats	71:7,8	61:2	testimony	62:9 67:19 78:17,
65:9,10,11	storm 21:1 32:16	superintenden	11:15 55:13 66:21	21 79:1,4
speeds 62:17	55:19	t 75:16 77:4 81:8	thing 4:2 11:12,	today 6:1 15:16
speedy 79:7	storms 10:2	support 67:5	15 15:17 19:12,13	28:17 40:13
spend 41:7	22:8,10	82:12	26:19 39:12 45:4	told 12:1 42:16
spoke 63:17	straight 9:14	supporting	47:2 48:17 49:13	top 43:5 84:1
Sport 50:4	30:7,8 31:4 37:10	65:6	50:17 51:8 52:14	tough 23:7
spot 17:11 36:14	straightaway	suppose 29:8	53:7,13 59:7 63:4	tournament
spring 5:15	34:19	surface 36:2	72:5 83:9,13	23:17 33:8,10
25:21	strange 72:3	38:17	things 4:21 5:1,5	34:10 35:3
stand 4:19 44:5	stream 6:20 21:4	surprised 28:16	10:2,3 17:20	tournaments
51:10 80:9	5:10	69:1	32:17 36:21 41:12	33:19 34:3,12
standing 27:12	streamlined	survey 40:21	47:14 50:7 52:3	45:5,6
30:11	5:10	42:14	58:3 66:17 80:14	town 83:10
standpoint	stretch 30:12	Susquehanna	Thompson	traffic 44:4
45:21 47:16	strip 59:9 60:2	41:19,20 55:3	11:6 14:4 15:3,7,	tragedy 12:12
stands 80:12	stuck 16:7	swim 4:18	19 17:18,19 18:3	trailer 42:8,12
start 11:4,9 21:2	stuff 16:6 36:4,7,	switch 10:20	21:6 22:2,5,20	trailed 54:17
	8 41:4 46:19	symmetry	23:11,16 24:8	train 13:18 14:6
	47:18 48:21 49:2	39:10	25:3,4 40:12	18:12,18,19
			56:16 72:7 73:16	
			74:1	
			thought 10:7	
			24:13	

training 48:14	unique 40:20	walk 43:7	59:14,15 60:9	years 19:5 22:8 24:3 28:14 84:7
transitory 36:11	units 19:4	wanted 2:5 37:15 81:12 83:14	wider 63:3	yesterday 55:21 56:1
trash 26:9	upper 37:9 41:18,19 47:3 49:10,13 59:6	war 28:3	width 9:19	youth 12:14
travel 22:9 29:11	upstream 6:15 71:19	washed 23:5	wind 31:21 34:1	<hr/>
traveling 21:8	users 43:18 44:21	water 6:19 10:17 13:20 16:16 18:15,16 20:20 26:5 37:8 39:1 44:3 46:4 55:11 60:6 62:12 63:7 65:7,9,17 66:18 72:16 78:1	winter 17:8,13, 21 52:2 65:19 66:3,5,14,19 67:5	<hr/> Z <hr/>
traverse 45:16	usual 25:14	waters 3:7 4:10	wintering 17:11	zip 54:18
trees 10:2 37:6,8	<hr/> V <hr/>	waterway 30:17 55:5	wintertime 25:21 52:7	zipping 4:20
tribs 4:11	Valley 42:2	waterways 3:3	wishes 10:20	zone 7:5 14:13 48:7 49:11,21 50:17,21 61:10
trim 13:16	versus 50:6 51:17,19 53:1 65:14 76:8	ways 26:13 30:10	woods 59:9,10 60:2	zones 59:2
trips 20:21 46:18 75:18	vertical 35:21	Wednesday 83:7	work 7:20 51:11 74:10,16 81:4	zoom 7:18
trolling 16:9	vessel 16:3 42:6 45:18 48:11,15 55:4	week 24:3 32:17 33:19 34:5 37:16 43:15 52:21 66:5	worked 42:17	
troops 12:13	vessels 6:17 41:3 43:10 45:15 78:16,20 80:1	weekdays 51:16 61:9	working 5:12 55:2 83:1	
turn 4:3 30:17 37:12	video 35:10,18 40:11 65:18	weekend 52:10 66:2,14	works 56:6	
turns 6:20 15:12	visitors 3:8	weekends 19:8, 9 51:17 52:10,16 53:2,9,10 54:2 66:5	WRIGHT 35:20 37:19 38:1 39:18 60:15 61:5,9,13 69:9 70:3,9,21 71:4 72:1,11,18 73:1,9,13 74:12, 17	
twos 23:15	visits 2:9	weekly 23:14 34:4	writing 58:9	
type 4:17 45:4 48:16 50:17 51:3 52:13 53:7,13 63:5	volume 48:1	weeks 81:1 83:7	written 58:3	
types 28:6	vote 64:21 67:8	west 69:15,17	wrong 69:21	<hr/>
typical 13:13	voting 78:15	Whalers 42:7	<hr/> X <hr/>	
typically 66:13	voyage 39:20	whatnot 32:11 80:9	Xes 16:1	
<hr/> U <hr/>	<hr/> W <hr/>	whatsoever 10:17	<hr/> Y <hr/>	
uh-huh 13:15	waiting 44:20 47:11	white 25:11 36:14 39:12	yard 30:12	
ultimate 2:15	wake 6:12 7:5 8:18 48:20 59:2, 11 79:1,2	wide 9:9,13 26:11 30:17,18	yards 9:9,10,13, 15,17,19 10:13,14 61:6	
uncommon 66:4	wakeboarders 43:21 44:1,4,7,9		year 7:5 13:10 17:1,4 51:17 62:10 63:9 64:15 67:5,12,13,19 68:19	
underhand 60:5	wakes 27:17 41:2			
underneath 38:16 61:21				
understand 20:7 23:12 24:10 79:17				
understood 55:9				
unfamiliar 7:17				