



Deposition of:
Meeting

November 7, 2019

In the Matter of:
Boat Act Meeting

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MARYLAND BOAT ACT ADVISORY COMMITTEE

FALL MEETING

November 7, 2019 - 10:00 a.m.

Crescent Yacht Club, Baltimore, Maryland

The Maryland Boat Act Advisory Committee
Fall Meeting was held on Thursday, November 7, 2019, at
10:00 a.m., at the Crescent Yacht Club, 1840 Cape May
Road, Baltimore, Maryland 21221, before Susan A.
Kambouris, Notary Public.

REPORTED BY: Susan A. Kambouris

1 TRANSCRIPT OF PROCEEDINGS

2 CAPTAIN MIKE SIMONSEN: I would like to
3 welcome you to the Boat Act Advisory Public Meeting
4 Hearing for testimonials today. We would like to just
5 start out with a moment of silence to recognize our
6 veterans as we approach that special day. Thank you.
7 Madam Chair?

8 CHAIRMAN AMY CRAIG: I would like to call
9 the meeting to order. Good morning. My name is Amy
10 Craig and I am the Chair of the Maryland Boat Advisory
11 Committee.

12 THE AUDIENCE: We can't hear you.

13 CHAIRMAN AMY CRAIG: I am sorry. Again,
14 good morning. My name is Amy Craig. I am the Chair of
15 the Maryland Boat Advisory Committee. I would like to
16 welcome you all this morning. We will hear regulatory
17 request testimony on Middle River, and Little Gunpowder
18 River, and Days Cove. During the meeting, we will only
19 address the regulatory requests that I have listed.
20 This meeting will be recorded by a court stenographer
21 and available for review on the DNR Website within

1 three to four weeks. Please turn off all cell phones,
2 or communication devices, or set them to vibrate. I
3 would like to ask the members of the Boat Act Advisory
4 Committee and the Department of Natural Resources Staff
5 to take a brief moment to introduce themselves.

6 MR. STEVE KLING: Good morning. I am Steve
7 Kling. I am the one guy here with the sailboat. I am
8 from the Annapolis area. I have done the math. This
9 summer, I spent 78 days on the water, mostly in
10 Maryland.

11 MS. RAMONA TROVATO: Hi. My name is Ramona
12 Trovato. I live on the Severn River. I have a
13 waterfront home and I am a power boater mostly,
14 sailboater, kayaker, water skier, and my family has
15 been in the Baltimore Metro area for, at least, six
16 generations.

17 MR. JOE HELLNER: Hi. I am Joe Hellner,
18 from Anne Arundel County. I am a former naval officer
19 trained in safe vessel operation. I am also a lifetime
20 boater with all types of vessels, all power, and I own
21 a sailboat, also. I have a power boat. I have had

1 over 30 years experience on Maryland waters and I have
2 also served on the Boards and served as Past President
3 of several area yachting associations.

4 MR. JOHN PEPE: John Pepe, from Oxford,
5 Maryland. I am a marine surveyor by trade and I
6 maintain a 200-ton Master's License.

7 MR. JON SHELLER: Good morning, folks. My
8 name is Jon Sheller. I am a retired Naval officer. I
9 have operated three boat yards over the years in
10 Charles, Calvert, and Anne Arundel County, and I am a
11 property owner in Deale, Maryland, and Steve's point
12 there, I spent more than 78 days underwater.

13 MR. COLES MARSH: My name is Coles Marsh.
14 I have a place in Annapolis. Past Commodore of
15 Sherwood Yacht Club. I have done a lot of power
16 boating and sailing up and down the bay.

17 MR. BOB LUNSFORD: Good morning. My name
18 is Bob Lunsford. I am a boater from Anne Arundel
19 County.

20 MR. CHRIS PARLIN: Good morning. I am
21 Chris Parlin, from Centerville, Maryland. I grew up on

1 the Severn River. I was a captain with the fire
2 department, ran the fire boat on the bay, and, now,
3 retired. Now, I work as a yacht captain. I have a
4 100-ton Master's license. I was a previous Maryland
5 Basic Boating, Safe Boating Instructor.

6 MR. FRED LEVITAN: Fred Levitan, Past
7 Commodore of Chesapeake Bay Yacht Club Association.

8 CHAIRMAN AMY CRAIG: Okay. I would like to
9 take a moment to explain how the Boat Act Advisory
10 Committee Public Meetings are conducted. The members
11 of the committee are a diverse group of volunteer
12 boating and water sports enthusiasts, which represent
13 every region of the state, and who are collectively
14 familiar with all of the varied uses of our state's
15 waters.

16 The charge of the Committee is to represent
17 all citizen uses of the water of the State of Maryland,
18 the sail boaters, swimmers, waterskiers, anglers,
19 watermen, kayakers, paddlers, wind surfers, and
20 personal watercraft users. We are also aware of and
21 cognizant of the concerns and privileges of the

1 waterfront of property owners, whether commercial or
2 residential.

3 Members of the Committee also include
4 waterfront property owners. The water of the State
5 belongs to all citizens, and we take our duties
6 seriously, and with the greatest respect for the
7 Chesapeake Bay and all of the water of the State, as
8 well as you, the citizens who come before us.

9 During deliberations, we strive to
10 accommodate the concerns and needs of all citizens who
11 use the State's waters. As you might expect, we often
12 do not succeed in accommodating everyone. At times,
13 people are displeased with our recommendations. If it
14 so happens you are one of those people, please
15 understand that we have the utmost respect for your
16 views and concerns; however, our charge is to serve the
17 needs and safety of all citizens of the State, and of
18 all of those who use State waters.

19 The Maryland Department of Natural
20 Resources liaison, Mike, will present the specific
21 regulatory requests, briefly review each area by

1 showing a chart representing the area and depicting the
2 area to be regulated. I will ask for testimony in
3 favor of the proposed regulation, and, then, ask for
4 testimony in opposition to the proposed regulation.
5 When you get to the podium, please introduce yourself,
6 and spell your name for the court reporter. You will
7 have, approximately, 5 minutes to make your
8 presentation. If speaking for an entire group, such as
9 a community or organization, you should identify what
10 group you represent, and you will be permitted 10
11 minutes for testimony. Those testifying will be
12 allowed to testify only one time at this meeting. When
13 it is your turn to testify, and you happen to share the
14 views of anyone who has testified before you, please
15 briefly state so, and take your seat. This will avoid
16 redundancy for the record. The testimony will be
17 recorded. If you have any handouts to support your
18 request, CD's, or thumbdrives to assist in your
19 testimony, please provide them to the DNR Coordinator
20 no less than 15 minutes before the meeting begins or
21 right now. An electronic presentation is not to exceed

1 15 minutes. When presenting testimony, please speak
2 into the microphone, state your name clearly, and spell
3 it for the court stenographer. When you are
4 testifying, address the Committee and me only. There
5 should be no exchanges between the person testifying
6 and members of the audience. No one in the audience
7 should address the Committee unless recognized by me.
8 We will do our very best to give everyone an
9 opportunity to speak.

10 After citizen testimony, the Chairperson
11 will ask the NRP Officer to comment on the proposed
12 regulations. The NRP Officers generally have much
13 insight into an area and data on arrest, warnings, and
14 accidents to support their comments. If applicable, a
15 DNR Shoreline Conservation Report will be considered by
16 the Committee.

17 After hearing all of the testimony, the
18 Committee will typically break for lunch. After lunch,
19 the Committee will go to its deliberation. During
20 deliberations, you are welcome to stay and observe,
21 however, you may not comment unless called upon by the

1 Chairperson.

2 Following deliberations, the Committee will
3 vote on a recommendation for each request. Remember,
4 the Committee's charge is to make recommendations to
5 the Secretary. The Committee does not have the final
6 say over on regulatory requests. The following are
7 possible outcomes of the Committee's deliberation. The
8 Committee may vote to take no action, which means we
9 recommend no change to the waterway. If the Secretary
10 accepts this, then, the request may be resubmitted
11 after three years.

12 We may vote to accept the regulatory
13 request or we may vote to accept the regulatory request
14 with modification. The staff then prepares a formal
15 presentation of the Committee's recommendation for each
16 regulatory request. The Secretary may accept, reject,
17 or modify the Committee's recommendation.

18 If the request is accepted, the proposed
19 regulation will continue through the legal process,
20 become law, and effective during the next voting
21 season. If the Secretary modifies the Committee's

1 recommendation, the new proposed regulation will move
2 through the legal process, and comments may be provided
3 by the Petitioner or any member of the public. The
4 progress of any proposed regulation, one that has been
5 approved by the Secretary may be tracked on the DNR
6 Voting Website under regulation. The transcript of
7 today's meeting will be posted on the DNR Voting
8 Website under Regulations, and under Meetings &
9 Archives in, approximately 3 to 4 weeks.

10 If there are no procedural questions from
11 the audience, I will ask Mike to present the first
12 request. Any questions? Okay.

13 CAPTAIN MIKE SIMONSEN: Good morning,
14 again. Thank you, Madam Chair. The first regulation
15 proposal request that we received is for the Middle
16 River - Main Stem, Requesting 6 knots All Time for twin
17 screw, inboard vessels 36' and larger. The writing of
18 other regulatory requests from the Petitioner is worded
19 such as, "Set up a 24/7 6 mile per hour zone at the
20 mouth of the Middle River for twin screw, inboard power
21 boats 36' and larger. The rationale that these boats

1 create a wake so large that it makes it unsafe for most
2 smaller boats and is destroying the water front along
3 Middle River. If you see where the original buoys were
4 placed before, the Petitioner has asked that the two
5 buoys that were placed here be moved out down to this
6 area, to here. This is what we reference as the Main
7 Stem of the Middle River. Everything else forks off
8 into your creeks and such.

9 So, again, it would be this area, is what
10 we are referencing to, the Main Stem Body of the Middle
11 River. This is another caption of it from a Google
12 Earth Image. This denotes 6 knots Saturdays, Sundays,
13 and holidays. That is already in place regulatory
14 position-wise, and, also, 6 knots at all times here on
15 the other side of the Baltimore Yacht Club.

16 This is another image of this area. It is
17 on our actual DNR Website for speed. I know it is a
18 little faint. This still shows the areas -- if you go
19 onto our web page for speed to see the areas that are
20 what the restrictions are, this is the image that you
21 will see on the actual web page on the DNR Boating

1 Services Website. I have prepared this off of a
2 TimeZero Nobletech Image last night. Again, this is
3 the area of concern, right off from Wilson Point, the
4 fetch directly straight across. This would be a
5 southerly -- southeasterly southerly wind blowing to
6 Tochester, straight across, it is a fetch of 9.5
7 nautical miles. Over here at the tower, further up the
8 beach is 8.5 nautical miles, and, here, you have a
9 fetch of 10.6 miles. Again, these are all
10 southeasterly southerly winds. I will take the image
11 back up. Thank you, Madam Chair.

12 CHAIRMAN AMY CRAIG: We are starting with
13 testimony supporting the request. Stephen Weber?

14 MR. STEPHEN WEBER: Are you supposed to
15 speak into the microphone or am I okay?

16 CHAIRMAN AMY CRAIG: State your name,
17 please.

18 MR. STEPHEN WEBER: My name is Steve Weber.
19 It is W-e-b-e-r. I brought the Petition forward with
20 the fact that I think it is unsafe out there on the
21 weekends because of the big boats, and the waves they

1 create. If you have a small boat -- I am saying small,
2 anything 30 foot or less, you are taking your life in
3 your hands out there on the weekends. If you are in a
4 kayak, don't go out there. I never see anybody out
5 there kayaking. Not only is unsafe to be boating out
6 there, but it is unsafe to try and get on and off your
7 boats. If you have shore-front property, which I do
8 have, and these waves are coming in, and you are trying
9 to get onto your boat, it's dangerous. The boat is
10 being pushed up against these docks under high force.
11 If you have small kids, a few are getting hurt. So, I
12 think it is very necessary to make this proposal.

13 Now, here some of the facts. I want to
14 address the restaurants and Marine Trade Association is
15 here to fight this proposal. They are going to support
16 the restaurants, the marinas, commercial boaters. This
17 does not affect commercial boaters. All of the
18 crabbers, the commercial fishermen, they are single
19 screw boats. This does not affect them. They can go
20 out the river just like they have always done and make
21 their money.

1 The other point I want to make is the
2 distance from where it is now out to Red Marker No. 6
3 is 1.3 miles. The difference in time to travel that at
4 6 miles an hour versus 20, which I think is a
5 reasonable speed for the big boats, is an additional 9
6 minutes of their time. That's what we are talking
7 about. During the week, these boats can come out of
8 the river as fast as they want, all of the way to the
9 end of the river. There is no restrictions on it. So,
10 I want to make sure everybody understands that time.

11 The last time this proposal was brought
12 forward, some of the restaurant owners said, "I don't
13 believe that time." That's a fact. That is math. 1.3
14 miles out there, 9 minutes of time.

15 The other thing I want to present,
16 restaurants, last time the proposal was brought
17 forward, they said they were going to lose hundreds of
18 thousands of dollars. That is not true.

19 CHAIRMAN AMY CRAIG: Can you speak more
20 directly in the microphone?

21 MR. STEPHEN WEBER: I am sorry. It is

1 certainly not true with this proposal. So, what I have
2 here is pictures of these restaurants. Mainly, it is
3 the Crazy Tuna that is close to my house. There are no
4 big boats there on the weekends. These are pictures
5 over weeks of the summertime. You won't find big boats
6 there. These 36' and larger, they don't go to the
7 restaurants on the weekends. So, if the Marine Trade
8 Association gets up or any of these restaurant owners
9 tries to say they are going to lose all of this money,
10 don't believe it. I will submit these pictures into
11 evidence. They are not there, big boats. And these
12 are all different weekends.

13 How do you want to do this, pass these
14 down? You won't find big boats in these restaurants.
15 Restaurants are not going to lose money. They are
16 certainly not going to lose money according to this
17 proposal.

18 The marinas, the Marine Trade Association
19 is going to try to say a marina is going to lose all of
20 this money. They are not. It takes 9 minutes of their
21 time to go out of this river now under the new

1 proposal. Their option -- and I hate to pick on the
2 big boaters, but they are destroying this river,
3 literally destroying the river. These waves are coming
4 in. They are undermining bulkheads, they are silting
5 in the river. So, their option is to go south. If
6 they don't like this proposal, they can go down to the
7 Severn River. That is another the 40-minute drive
8 where they come from. All of these boats come from
9 Pennsylvania. They are not going to leave for 9
10 minutes of their time to go out of the river.

11 So, the only other point I would like to
12 make is the size of these bouts that are coming in and
13 out of this river now, they are massive. They are
14 getting bigger. Somebody buys a boat. The first thing
15 they say, they want to get a bigger boat, and they are
16 getting bigger, and they are getting faster, and they
17 are getting heavier, and waves are getting more and
18 more massive. This is a boat -- this is 60-foot sport
19 fisherman. It weighs 58,000 pounds dry. It takes
20 1,500 gallons of fuel. That's another 10,000 pounds.
21 68,000-pound boat that can be in and out of the river

1 unrestricted. When he gets out to the main part of the
2 body of the river, they can get up and go. They waves
3 they create when they come into the shore line, it is
4 devastating. I am one of the few boaters that still
5 tries to keep boats tied up at my property. When these
6 waves come in, it is crazy. Most people now have boats
7 on lifts that live out there. Everybody does, but you
8 can't get boats off the lift on the weekend, it is
9 unsafe.

10 So, I hope you all can look at this
11 information and pass this new speed limit requirement.
12 I don't think it's an unreasonable request. I think it
13 is time for it. Thank you.

14 CHAIRMAN AMY CRAIG: Any questions for the
15 speaker from the Committee?

16 CAPTAIN MIKE SIMONSEN: Sir, did you raise
17 your hand?

18 CHAIRMAN AMY CRAIG: No, the questions come
19 from us. Is Todd Harrick available?

20 CAPTAIN MIKE SIMONSEN: Todd?

21 CHAIRMAN AMY CRAIG: Would you spell your

1 name for the court reporter?

2 MR. TOD HERRICK: Yes, I am going to spell
3 both of my names because everybody gets my first name
4 wrong. It is T-o-d, just one d. Herrick,
5 H-e-r-r-i-c-k. Originally, I lived up in Pennsylvania,
6 and, then, upon retirement, I moved down to Maryland to
7 fulfill my love of boating. I have been boating for
8 about 33 years now, most of which had been on Middle
9 River, and I you used to keep my boat at Galloway Creek
10 Marina, which I understand is no longer. Anyway, one
11 of the -- you know, I am a sailor -- one of the things
12 I absolutely detested was, you know, coming out,
13 setting sail, often -- and we would be out there in the
14 middle stem, right off of Locke Point, and try to set
15 sail, or coming back in, and taking the sail down,
16 because the water was so confused from all of the big
17 power boat traffic coming in. It is dangerous to stand
18 up on top of a smaller boat as you are hauling the sail
19 up or down, and you are being thrown around. The other
20 thing that was difficult was going in and out of the
21 river and turning around. You look and you see this

1 big, massive power boat coming behind you, throwing a
2 huge wave. You know, a lot of the power boat operators
3 are considerate, they slow down, but many do not, and I
4 look upon speed limits as they are put in place for the
5 people who are inconsiderate because maybe that will
6 help them pay attention to what their proper behavior
7 should be. I have been up and down the ICW. People
8 normally call and ask for a slow pass. Lots of
9 consideration there. Not so much on Middle River. We
10 finally managed to get a waterfront house down in -- on
11 Rock Creek, in Pasadena, and we were very happy to the
12 move our boat out of the -- out of Middle River solely
13 because of the power boat and the wave issue. It's a
14 very uncomfortable situation, and it keeps me from
15 coming back to -- you know, there is a lot of nice
16 waterfront restaurants. You guys have a very nice
17 lighted boat parade. There is nice things to do, fun
18 things to do along the riverfront, but if I have an
19 opportunity to go to any other place, I will go there
20 rather than face the confused seas of Middle River.

21 So, the other point I wanted to make is

1 regarding the danger. A lot of times, you know, we
2 will be passed by, you know, a fast-moving power boat,
3 and, then, you want to turn into the waves so that you
4 don't get rocked broadside. Well, you know, that
5 becomes dangerous because a lot of times there is
6 another power boat right behind them, and you are going
7 to turn yourself into the waves in the path of this
8 other boat, you know, because there is such high
9 traffic on Middle River. I don't experience this kind
10 of situation in any other environment except for Middle
11 River, even going down into Annapolis, where there is a
12 lot of boat traffic there, but people obey the rules,
13 and behave more considerate towards others. Thank you
14 very much for your time.

15 CHAIRMAN AMY CRAIG: Thank you, sir. Any
16 questions from the Committee.

17 MS. RAMONA TROVATO: I have a question.
18 Are you experiencing these traffic problems on
19 weekdays, or weekends, or at all times?

20 MR. TOD HERRICK: Most of the time, it is
21 on weekends, you know, but that's an congestion issue.

1 On weekdays, because there is no speed limit all up and
2 down the river, even beyond the main stem. We are
3 friends with a couple that live on Hopkins Creek, I
4 think it is, and I was on their boat, a 50' boat, and
5 boat came roaring by there, because there is no speed
6 limit during the week. It rocked the heck out of it.
7 It makes it dangerous. So, the congestion on weekends,
8 but speed would be all of the time.

9 MS. RAMONA TROVATO: Thank you.

10 CHAIRMAN AMY CRAIG: Any other questions
11 from the Committee? Thank you, sir.

12 MR. TOD HERRICK: Sure. Thank you.

13 CHAIRMAN AMY CRAIG: Arnold Freeland?
14 Please state and spell your name.

15 MR. ARNOLD FREELANDER: I am Arnold
16 Freeland, F-r-e-e-l-a-n-d-e-r. I live on boat. I
17 have 51-foot Sea Ray, stand bridge. I am speaking
18 about all of the big boaters. I have been boating for
19 40 years, up on Middle River for two years. Middle
20 River is a very crowded river. I would like to see the
21 6 knots zone, as you propose at all times, and I will

1 tell you why. From the mouth all of the way up 6 knots
2 all of the times. On the weekends, it is a washing
3 machine. Anyone coming in Middle River on a Sunday
4 afternoon, it is a washing machine. If you have got a
5 small boat, you can't be out there. We come in as a
6 big power boater and I do everything I can to go behind
7 sail boats. That's the why you are supposed to do it.
8 Sometimes you can't. Sometimes due to the traffic and
9 speed, I have no choice but to keep on course. The big
10 power boats are not slowing down. You want to spend
11 \$50.00 to \$100.00 to slow down and get back up, okay.
12 The point is, it is not just the weekends anymore. I
13 live on the boat. I am at Long Beach Marina. I am at
14 the base of Martin State Airport, Frog Mortar Creek.
15 Frog Mortar Creek is probably the most crowded creek on
16 this river and Middle River probably has more boats
17 than any other river in this entire area, hands down.
18 You have got 6 restaurants. I moved up here because of
19 the 6 restaurants. I have a power boat, I have a jet
20 ski, and I have a 10-foot dingy with a 15 horse power
21 that I go out with, but forget the weekends, 6 knots,

1 fine. During the week, we get rocked. During the
2 week, Thursday, Friday, during the season, boats are
3 flying up Frog Mortar Creek with no speed zone. Yeah,
4 you get some bigger boats and people have gotten hurt,
5 boats have gotten damaged. I mean, I am on a brand new
6 concrete floating pier directly across from DNR
7 Baltimore County Base at the airport. People come
8 through there and they just do not slow down.

9 CHAIRMAN AMY CRAIG: Can you please speak
10 to the area that is under the proposed regulation, not
11 Frog Mortar, is what I am saying.

12 MR. ARNOLD FREELANDER: I am talking about
13 the whole area. So, from here, all of the way up. I
14 am in Frog Mortar, so I am right here.

15 CHAIRMAN AMY CRAIG: Right. We want to
16 talk about the area specifically proposed.

17 MR. ARNOLD FREELANDER: So, we are talking
18 about just this area?

19 CHAIRMAN AMY CRAIG: Yes.

20 MR. ARNOLD FREELANDER: So, that is the
21 same thing, the 6 knots Zone, you are talking about

1 doing that 6 knots Zone just that area all of the time
2 or the whole river?

3 THE SPEAKER: The whole river.

4 MR. ARNOLD FREELANDER: I thought it was
5 the whole river.

6 THE SPEAKER: The whole river during the
7 week.

8 MR. ARNOLD FREELANDER: You are talking a 6
9 knots Zone here the whole time, but not the rest of the
10 river?

11 CHAIRMAN AMY CRAIG: Mike, can you confirm
12 that?

13 MR. ARNOLD FREELANDER: I was under the
14 impression -- and I think everybody else was -- it is 6
15 knots from here all of the way up the river, all of the
16 time. That would make sense. 6 knots here makes sense
17 because it is crowded, but it makes more sense to have
18 it 6 knots all of the way up the river, because that is
19 where the complaints are. Frog Mortar Creek, you have
20 restaurants here. You have two restaurants. You have
21 all of your restaurants up top, and where people are

1 complaining is for the whole river, not just here for
2 the 6 knots Zone.

3 CAPTAIN MIKE SIMONSEN: To answer your
4 question, Madam Chair, along with the Petition's sole
5 Petition, there was another footnote that I also have
6 included in your packets from the Petitioner that just
7 says, "To: Mike Grant. Enclosed is a map showing the
8 existing location of the 6 mile an hour speed limit and
9 the location of the new 6 mile an hour speed limit.
10 Regards, Mr. Weber." Those images on the chart that he
11 additionally added to this note statement shows the
12 existing location is right here, two of them. It would
13 be to bring these out down to here. So, again, it was
14 my understanding from my predecessor that, again, we
15 were talking, with the example of the main stem -- is
16 this not accurate, Mr. Weber?

17 MR. STEPHEN WEBER: It is not. I don't
18 know why it is confusing. It is for the whole river,
19 24/7, all of the river, these big boats.

20 MR. ARNOLD FREELANDER: That was my
21 understanding.

1 MR. STEPHEN WEBER: They are restricted on
2 the weekends.

3 MR. ARNOLD FREELANDER: The whole river,
4 not just one area.

5 MR. STEPHEN WEBER: It is for the whole
6 river.

7 CAPTAIN MIKE SIMONSEN: She will get at
8 your question, for the record. Again, Madam Chair, I
9 will read, "The regulatory request was set up for a
10 24/7 6 mile-an-hour zone at the mouth of the Middle
11 River for all twin screw, inboard power boats, 36' and
12 larger." The rationale is that these boats create
13 awake so large that it makes it unsafe for most of the
14 smaller boats and it is destroying the waterfront along
15 Middle River.

16 MR. STEPHEN WEBER: They can speed up in
17 the river. That is not the problem at all.

18 CHAIRMAN AMY CRAIG: Okay. So, on the
19 information that's coming from the Petitioner, it is
20 showing is two dots. Is that what we are seeing as
21 representing --

1 CAPTAIN MIKE SIMONSEN: It is right here at
2 the two dots. From the note that the Petitioner
3 signed, it showed two buoys here, and he wanted those
4 buoys to be moved down to here.

5 CHAIRMAN AMY CRAIG: Correct. We are all
6 on the same page, then.

7 MS. RAMONA TROVATO: No, we are not. I
8 think what Mr. Weber said, who submitted the
9 application is that -- his application says, "24/7, 6
10 mile-per-hour zone at the mouth of the river," but it
11 doesn't say the whole river, which is where our
12 confusion is.

13 MR. STEPHEN WEBER: It is at the mouth of
14 the river end.

15 MS. RAMONA TROVATO: No, it doesn't say
16 that, sir.

17 MR. STEPHEN WEBER: All right. Do you
18 think I am here to Petition -- do you think my Petition
19 is to go slow to where the 6 mile-an-hour marker is
20 presently, that I am saying, go slow through here, and,
21 from here, you can speed up? That's not what I am

1 saying. If you are interpreting it that way, you are
2 interpreting it wrong. I don't want boats to go slow
3 through here, and, then, speed up for the rest of the
4 river. That is not my Petition, please.

5 CHAIRMAN AMY CRAIG: Okay. Thank you for
6 clarifying. Ed Bennett? Is Ed Bennett here to speak?

7 MR. ED BENNETT: Good morning. Ed Bennett,
8 B-e-n-n-e-t-t. A meeting is was held in November of
9 2011 with the Department of Natural Resources, at that
10 time, at Bowleys Quarters Volunteer Fire Department at
11 that time, the proposal was rejected. So, here we are
12 8 years later. So, the question really becomes, what
13 has changed? What evidence do we have? I did prepare
14 some information to share with the panel that includes
15 pictures and letters that date back to 2012 that were
16 written to Mr. Grant, as well as to, at that time, the
17 County Executive, Kevin Kaminetz, who then shared that
18 I should then be in contact with the governor. You
19 will see a letter in there with Governor O'Malley, at
20 that time, and, then, requesting compensation for the
21 damage to my property to Nancy Kopp, who was the

1 Comptroller at that time. That was rejected, also.
2 The immediate damage, when it was changed, was to our
3 bulkhead. With the present speed limit buoys, which
4 was changed in the spring of 2012, and, at that time
5 when it was changed, as you will see in the letter,
6 that is also in there. It does share that there was no
7 notification given for a hearing at that time. It was
8 changed without any opportunity to address that. So,
9 again, here we are, 8 years later with costly repairs
10 to not only my bulkhead, but neighboring replacements
11 of bulkheads and repairs.

12 The channel in Greyhound, where I live, has
13 continued to fill in other than the traffic, which is
14 sparse on that small creek back and forth, as well as
15 the private slip that we paid for on our tax bill over
16 a number of years was shared at the November, 2011
17 hearing. The purposes, which is also brought up by
18 other speakers, that this relates primarily to safety.
19 If you take a look at every weekend that has been
20 talked about, we have, quite regularly, police boats
21 that sit out there, and do observe, and go out, and

1 stop many of the boats for speeding coming in on or
2 coming out of Middle River. I would propose to those
3 that are here on the panel, if you have never been on
4 Middle River, particularly on the weekend, that you
5 come in and spend some time out there, not just once.
6 Invite yourself to be part of those police boats and
7 sit out there as part of some of the activity that does
8 occur.

9 I do concur with Mr. Weber when he said the
10 amount of time it takes from where the proposed line is
11 to the 6 mile-an-hour present marker is about 9 to 10
12 minutes for that distance. I know this is the proposal
13 at this time, but the amount of wave action dates back
14 to my original letters that you will see, and my
15 correspondence to 2012 that I requested, when they
16 moved those lines without any notification that those
17 lines be moved back out to where they were previously.
18 So, thank you for your time.

19 CHAIRMAN AMY CRAIG: Thank you, sir. Any
20 questions? Ramona?

21 MS. RAMONA TROVATO: Sir, are you saying

1 the 6 knots line used to be at the mouth of the river?

2 MR. ED BENNETT: No, it used to be out,
3 approximately, 300 yards further, dating back to my
4 knowing back to 1998, and, then, it was moved. There
5 was no notification given and there was no meeting
6 held.

7 MS. RAMONA TROVATO: It was moved where,
8 sir?

9 MR. ED BENNETT: It was moved to its
10 present location.

11 MS. RAMONA TROVATO: Okay. Thank you.

12 CHAIRMAN AMY CRAIG: Any other questions
13 from the Committee?

14 MR. ED BENNETT: So, those markers were
15 moved with no notification.

16 CHAIRMAN AMY CRAIG: Thank you, sir. Kayla
17 Lauer? How about Kimberly Lauer, then? Michael
18 Stephens?

19 MR. MICHAEL STEPHENS: It is M-i-c-h-a-e-l,
20 S-t-e-p-h-e-n-s. I own an 18-foot center console that
21 I keep on Norman Creek. I also have a 50-ton Master

1 Captain's License and currently work at an
2 environmental engineering company managing dredge
3 material, and sediments, as well as doing hydrocoptic
4 survey. I have run charter boats down in the Florida
5 Keys for a year. I have been responsible for,
6 basically, the operation of 300-foot research vessels,
7 dredges, jack-up barges all over the Chesapeake Bay. I
8 spend probably about half of my year on the water in
9 Norfolk, somewhere up here, or out on the Great Lakes,
10 as well. Some of the most irresponsible boaters that I
11 have seen have been in Middle River. I have only
12 been -- while you guys are older than me and gals, I
13 have been out on the water a whole lot in my life.
14 Unfortunately, a lot of people aren't aware that they
15 are legally responsible for the effects of their wake.
16 It has to do with the way we let anyone drive a boat,
17 but I will save that for later. Realistically, these
18 large vessels aren't aware of the effect that their
19 wakes have on other vessels, on property. I have been
20 out there and had a 36 or larger, probably 50-foot
21 Viking blow past me with about 15 feet in between

1 myself and him right at the mouth, by the marker, and,
2 just, I am a pretty good mariner, but you still get
3 rocked. A lot of these people unfortunately don't
4 really have the experience to be operating these very,
5 very large vessels. There is a lot of people out there
6 that can purchase these large vessels, take a boating
7 safety class, and you can be operating a 75-foot
8 vessel, and you are good to go.

9 All I would like to say the density of
10 vessels of all sizes -- kayaks, I have never seen a
11 kayak out there on the weekends. It really mandates if
12 you are focused on the safety of life, property on
13 Middle River, you really need to put in the 6 knots
14 Zone in this area. I agree with -- I can't remember
15 the gentleman's first name, but about as far as
16 restaurants and everything, those restaurants in the
17 Inner Harbor, they have a 6 knots Zone. Those
18 restaurants do fine. There are plenty of other places
19 that work with safe speed limits. Marinas are
20 thriving. The restaurants are thriving. It is a moot
21 point, in my opinion. Thank you.

1 CHAIRMAN AMY CRAIG: Thank you, sir. Any
2 questions from the Committee? Thank you. Okay. I
3 think this is Edward Dagle?

4 MR. EDWARD DIPPEL: Dipple. Thanks. My
5 name is Edward Dippel. It is spelled D-i-p-p-e-l, and
6 I agree with this proposal to move the 6 mile-an-hour
7 speed limit to the mouth of Middle River, from there
8 in. I currently keep a 40-foot Sport Fish at Bowleys
9 Marina. I have had rub rail damage, huge gouges taken
10 out of my gel coat, thousands of dollars of damage. I
11 have to replace my lines every year. They used to last
12 for years on end. Even with chaff guards, they are
13 tearing through because the force of the waves jerking
14 on the boats is tremendous. The sailboats in the
15 marina get rocking so bad, the masts slam together.
16 You can imagine someone taking two aluminum baseball
17 bats, and swinging them over their heads and smashing
18 them together, doing a lot of damage to the boats.

19 I personally have rescued people clinging
20 to the hull of an 18-foot boat that capsized by
21 someone's wake. They unfortunately were clinging to

1 the hull with no life jackets. I called the Coast
2 Guard, got them on my vessel, and brought them in. The
3 Coast Guard dealt with their boat. I have also rescued
4 a kayaker out in front of Bowleys Marina. The same
5 thing, the wake flipped him out of his kayak. He could
6 not get back in. I thankfully was on my way out,
7 noticed him, brought him onto my vessel, and brought
8 him back to shore. It is definitely a safety issue.

9 Right across from me, there are finger
10 piers. It snapped two big pylons that support the end
11 of the pier. His 36-foot boat was slammed into the
12 finger pier so hard it snapped two poles off. It is
13 really bad and people are going to get hurt.

14 CHAIRMAN AMY CRAIG: Thank, you sir. Any
15 questions from the Committee? Ramona?

16 MS. RAMONA TROVATO: Sorry. So, when you
17 rescued those folks, did you notify the police are on
18 the marine police?

19 MR. EDWARD DIPPEL: Coast Guard.

20 MS. RAMONA TROVATO: When the damages
21 occurred to your boats and other folks' boars, has the

1 insurance company been notified or the marine police?

2 MR. EDWARD DIPPEL: The problem is, the
3 boats will go by, and the waves follow several minutes
4 later, and you usually cannot identify who caused the
5 wakes.

6 MS. RAMONA TROVATO: Thank you. When were
7 the rescues?

8 MR. EDWARD DIPPEL: That was going back
9 about 5 years ago. This summer was the guy in the
10 kayak. He was from Galloway Creek, right here. He had
11 a shore house here. Father and son came out, and a
12 wake capsized them right out in front of Bowleys as I
13 was leaving, heading to Tolchester for the weekend, and
14 I was able to get them on board and bring them back in
15 together.

16 MS. RAMONA TROVATO: You don't know if any
17 insurance claims have been made with or without knowing
18 what --

19 MR. EDWARD DIPPEL: Not to my knowledge.

20 CHAIRMAN AMY CRAIG: Any other questions
21 from the Committee? Thank you, sir. Anybody else

1 wishing to speak for the Petition?

2 CAPTAIN MIKE SIMONSEN: Excuse me, Madam
3 Chair, this gentleman did not get to sign his name, but
4 he would like to speak.

5 CHAIRMAN AMY CRAIG: Can you state your
6 name, for the reporter once you get the microphone?

7 MR. ERIC BAUMGART: Good afternoon. My
8 name is Eric Baumgart, B-a-u-m-g-a-r-t. Good morning.
9 Like many have their tales, I have my tale, as well. I
10 am a life-long resident of Long Beach Estates, which is
11 on Frog Mortar creek. I have lived there my entire
12 life. I have watched the traffic increase, just like
13 everybody else. Just because traffic increases doesn't
14 mean the regulations need to follow suit, as well. The
15 traffic has increased on I-695, but they haven't
16 lowered the speed limit on I-695. There is a lot more
17 accidents on I-695 than there is in the Middle River.
18 For 10 years, I was the Chief of the fire department
19 that handled all of the marine rescues in Baltimore
20 County, of which the incidents that happened on the
21 Middle River are paled in comparison to other locations

1 in the bay.

2 For about 7 years, I was a partner in a
3 family marine construction business, and, obviously, as
4 I am out there working, the wakes would come in, and I
5 would chalk that up to, I am working on the water, and
6 wakes happen on the water. Are they inconvenient? Do
7 they cause damage? Yes. This comes with the water.
8 If you don't like waves, don't be on the water. That's
9 very, very, very simple. If you reduce the speed limit
10 on the Middle River, some folks in here mentioned about
11 the businesses on the Middle River, the restaurants and
12 the other marinas. I, like everybody in this room,
13 have hundreds of boating friends. I am friendly with
14 some of the restaurant owners, and the longer it takes
15 to get to their restaurant, the less clientele they
16 have. If I have to slow it down to 6 knots at the
17 mouth of the Middle River, that makes my trip all of
18 the way up there just that much longer.

19 In August, when it is 98 degrees, nobody
20 wants to do 6 knots. So, they will take their business
21 elsewhere. They just will. So, it will eventually

1 impact those businesses. The same goes for the marinas
2 that are all of the way at the top of the creeks. It
3 already takes them a very long time to get out on a
4 Saturday. If you make it longer, those marinas in poor
5 locations are going to lose their customers.

6 This next point may not come off the tongue
7 well, but it is a fact. At the end of the day, I am a
8 property owner. I live on the Frog Mortar Creek. I
9 have owned my property for decades. My family moved to
10 that property in 1896. We have been there a day or
11 two. I don't think it's good practice to make policy
12 based upon tenants. While there is a lot of people in
13 this room that are tenants at a marina, if you force
14 your rules onto me, you have the option to relocate any
15 time you want. At that point in time, I am still
16 saddled with the rules that you wanted. That's not a
17 fair program. I pay a lot of money to live where I
18 live. I don't want people to come down 12 weekends a
19 year to tell me how to do my business. That's all I
20 have. Eric Baumgart, B-a-u-m-g-a-r-t, Long Beach
21 Estates.

1 CHAIRMAN AMY CRAIG: Sir, I would like to
2 confirm that you are speaking against the Petition, not
3 for the Petition?

4 MR. ERIC BAUMGART: Absolutely against.

5 CHAIRMAN AMY CRAIG: Thank you. Do we have
6 any questions from the Committee for this speaker?

7 MR. COLES MARSH: Can you point out where
8 you live, sir, on Frog Mortar Creek?

9 MR. ERIC BAUMGART: I am sorry. I live
10 right across from the base of the runway, at the red
11 dot. No one better egg my house. Thank you.

12 MR. COLES MARSH: Thank you, sir.

13 CHAIRMAN AMY CRAIG: Any other questions
14 from the Committee? Is there anyone else in the
15 audience who would like to speak in favor of this
16 regulation? Please state your name for the reporter.

17 MR. RON BROWN: My name is Ron Brown.
18 Pretty simply, huh? I have a 19-foot ground line and
19 thanks to Jim Hyde, who got me involved in boating 6,
20 7, or 8 years ago, I would say, as far as the
21 restaurants go, I don't go out on Middle River on the

1 weekends because it is so bad. I have a home on Sue
2 Creek. I would go to the restaurants on the weekend if
3 I thought I could get their safely, without putting up
4 with the wakes and everything. So, most of my boating
5 friends have smaller vessels, and they would go to the
6 restaurants on the weekends as opposed to staying home.
7 That is all.

8 CHAIRMAN AMY CRAIG: Any questions? Sue
9 Creek. Mr. Pepe?

10 MR. JOHN PEPE: I would like to be a little
11 bit more clear on the area we are talking about. I
12 understand there has been some confusion about this. I
13 have been looking at this since it was proposed at the
14 beginning of this summer. What I was looking at was
15 moving this line from the 6 knots Saturdays, Sundays,
16 and holidays out to the mouth of the river. They
17 wanted that reduced from 35 miles an hour to 6 miles an
18 hour all of the time. I thought that was the area we
19 were talking about. The main stem of the Middle River,
20 does that run all of the way up behind the airport, is
21 that the area that you were proposing or you thought

1 you were proposing?

2 MR. STEPHEN WEBER: My proposal for 36 foot
3 and larger boats, Red Marker No. 6, all of the way up
4 the river, the whole area.

5 MR. JOHN PEPE: The whole area. We are
6 talking about, like, 8 or 10 creeks?

7 MR. STEPHEN WEBER: The entire area for 36
8 foot and larger boats.

9 MR. JOHN PEPE: The entire area? I have to
10 apologize, that is not how I read this. I have been
11 reading this since the beginning of summer.

12 MR. STEPHEN WEBER: How did you read it?

13 MR. JOHN PEPE: I read it that moving the
14 distance from 6 to 6 knots Saturdays, Sundays, and
15 holidays out to the mouth of the river, that area there
16 that was 35 knots going to 6 knots all of the time.

17 CHAIRMAN AMY CRAIG: We will discuss that
18 in Executive Session, as well.

19 MR. JOHN PEPE: I want to hear from one of
20 the people because I would like to hear what the
21 proposal is.

1 CHAIRMAN AMY CRAIG: I think it is pretty
2 clear.

3 MR. JOHN PEPE: It wasn't clear to me. I
4 apologize.

5 CHAIRMAN AMY CRAIG: 6 knots from the mouth
6 the of the river.

7 MR. JOHN PEPE: He is talking about every
8 creek on this river, too.

9 CHAIRMAN AMY CRAIG: Correct? That is what
10 you are saying?

11 MR. STEPHEN WEBER: That is correct.

12 CHAIRMAN AMY CRAIG: We have that
13 understanding now.

14 MR. STEPHEN WEBER: All of the creeks are
15 already 6 miles an hour.

16 CHAIRMAN AMY CRAIG: Thank you. Are there
17 any other questions for Mr. Brown? Anyone else who
18 would like to speak in favor of the proposed
19 regulation? The lady in the back. You have to come
20 up. Please state your name.

21 MS. KATHY WRIGHT: My name is Kathy Wright,

1 W-r-i-g-h-t. I live off of the affected areas, but I
2 have my boat. I have a 41-foot ocean going sailboat
3 that is currently at the northern most end of Middle
4 River. So, I have to transect all of Middle River when
5 I go to the bay, and coming in out of the bay, and I am
6 moving my boat to Rock Creek, off the Patapsco, because
7 I cannot deal with this Sunday afternoon traffic
8 anymore. So, as far as business goes, they are losing
9 my business. I will not be going to the restaurant by
10 boat anymore. The marina is losing my business. It is
11 a negative effect to continue to have this unsafe
12 condition on the weekends.

13 CHAIRMAN AMY CRAIG: Any questions? Thank
14 you. Anyone else? Yes, ma'am.

15 MS. SHELLIE LJUNGQUIST: My name is Shellie
16 Ljungquist, S-h-e-l-l-i-e L-j-u-n-q-u-i-s-t. I don't
17 even live in Middle River. I am here as a observer
18 with my mom because my brother was killed in a boating
19 accident. So, in my opinion, 9 minutes is worth a
20 life, and if this 6 mile-an-hour rule will help to save
21 one life, it is worth it.

1 CHAIRMAN AMY CRAIG: Are there any
2 questions from the Committee? Thank you, ma'am.
3 Anyone else speaking for the proposed regulation?
4 Going once -- thank you. Do we have Wayne Miskiewicz?
5 Speaking in opposition of the proposal.

6 MR. WAYNE MISKIEWICZ: Yes. My name is
7 Wayne Miskiewicz, M-i-s-k-i-e-w-i-c-z. I am the
8 current Secretary/Past President of the Marine Trade
9 Association of Baltimore County. The Marine Trade
10 Association of Baltimore County represents marinas,
11 repair shops, and waterfront restaurants within the
12 county. Safe and practical boating regulations of the
13 county waterways has always been their concern.
14 Indeed, the MTABC supported in 1993 and 1997 Middle
15 River Studies. We made several recommendations in
16 1997, including the establishment of the current 35/20
17 Main Stem Speed Limits. We oppose the current request
18 to establish a target all time 6 knots Limit on what we
19 understood was the main stem of Middle River. Such a
20 proposed restriction is impractical, unwarranted, and
21 detrimental to the boating-related businesses on the

1 tributary. It is impractical to expect police units to
2 determine the length of a vessel from a distance. Is
3 the length of the boat to include bow platforms and
4 extend the swim platforms, or is the length to be
5 determined by the water line? The 1999 set regulation
6 was prompted by safety concerns as a result of intense
7 boating traffic on the river at the time. Since '97,
8 there has been a significant reduction of boating, as
9 reported by many marina owners throughout the state.
10 Thus, the current speed limits meet the current usage.
11 Any further restrictions are unwarranted. Boaters,
12 like most of today's society, habitually look for
13 convenience in their boating activities. Adding
14 significant minutes of travel to destinations will have
15 a detrimental effect on most boating-dependent
16 facilities on the river. This is particularly true of
17 the waterfront restaurants that are seasonally
18 dependent on boating. The major restaurants that would
19 be affected are Sue Island Grill, Crazy Tuna,
20 Riverwatch Restaurant, Carsons Creekside, and Sunset
21 Cove. For these reasons, the Marine Trade Association

1 of Baltimore County opposes the plan to make a 6 knots
2 speed limit on the main stem of Middle River.

3 If I can make one additional note?

4 Mr. Weber stated that at 20 knots, it adds 9 minutes to
5 travel time. The current daytime limit is 35 knots,
6 which would be more like 16, 17 minutes.

7 CHAIRMAN AMY CRAIG: Are there questions
8 from the Committee? Joe?

9 MR. JOE HELLNER: Mr. Miskiewicz, earlier
10 in your testimony, you mentioned something about
11 incidents or accidents. I didn't catch that part. I
12 want to make sure I understood what you said.

13 MR. WAYNE MISKIEWICZ: Well, in '97, the
14 boating traffic was more intense, and from a safety
15 standpoint, we felt that there should be a speed limit
16 on the main stem of the river.

17 MR. JOE HELLNER: It was subsequent to that
18 part. You said something about we have -- maybe I
19 misheard you. I want to make sure I understood.

20 MR. WAYNE MISKIEWICZ: What we are saying
21 is that, since '97, boating traffic at marinas, the

1 occupancy rate at marinas is significantly reduced from
2 what it was in '97.

3 MR. JOE HELLNER: That's what I heard, but
4 I didn't understand. Thank you, sir.

5 CHAIRMAN AMY CRAIG: Any other questions
6 from the Committee? Thank you, sir. Brian Schneider,
7 in opposition?

8 MR. BRIAN SCHNEIDER: Good morning. I am
9 Brian Schneider, B-r-i-a-n S-c-h-n-e-i-d-e-r. I am
10 Vice-President of the Tradewinds Marina. We are
11 against any change to the current regulation on the
12 speed limit here in Middle River. Suggesting the speed
13 limit be lowered to 6 knots for vessels 36' or larger,
14 with two or more engines is short-sighted, and poorly
15 thought out. The proposal would have detrimental
16 effects on the area's waterfront economy, cripple the
17 waterfront restaurants. Contrary to what you are
18 hearing, water-dependent facilities and outlying
19 businesses that depend on the boaters that come from
20 out of the County and out of the State to ask Baltimore
21 County Marine Police, or DNR Police, or the Coast Guard

1 to identify the size of the vessels and the number of
2 engines place a huge burden on them. What happens when
3 a vessel is 34'6"? A speed proposal made a few years
4 back was found to be a bad idea, as it is today. Does
5 this request save someone's waterfront property from
6 wave action, as it was back in 2012-2013, we had our
7 last request? No one can control mother nature. When
8 the wind blows, as it does almost everyday on this
9 river, especially in the off seasons, the waves will
10 continue to hit these people's property and undermine
11 your bulkheads. That is just mother nature. It is
12 part of it.

13 Us in the waterfront business have been
14 trying to return Middle River back to what it was many
15 years ago, a waterfront paradise, and a recreation and
16 tourism hot spot. Look what's happening on Route 43,
17 all of the development. People are coming in for this
18 river. Aviation Station, cleaning up Essex. It's all
19 a part of being attracted to the waterfront. This
20 progress depends on a vibrant waterfront destination
21 that we are determined to bring back. Shutting down

1 this river will destroy this progress. Thank you.

2 CHAIRMAN AMY CRAIG: Any questions from the
3 Committee? Thank you, sir. In opposition, I have
4 Robert J. -- and I cannot tell what the last name is.
5 Will you please spell your name?

6 MR. ROBERT PALMER: R-o-b-e-r-t
7 P-a-l-m-e-r. I am the owner of Tradewinds Marina and I
8 agree with the prior two discussions, but I would like
9 to add, I have been the owner of that business for 36
10 years now, and we have probably an occupancy rate of
11 close to 20% vacant this last couple of years, when,
12 before, we were primarily full. Any more regulations
13 would be very confusing if we are still understanding
14 it was the main stem of the river that we were talking
15 about. It would be even more detrimental if it is all
16 times instead of just weekends and holidays. It would
17 be very confusing, in my mind, to have Buoy No. 6 out
18 here, a speed limit that applies to 6 knots when it is
19 just for the 36' and above boats, when you have got all
20 kinds of boats coming in and out of the river that are
21 just under that, and how are they to know it is just

1 the main stem of the river for 36' boats that we are
2 talking about? So, any time you see a speed limit
3 sign, you are going to slow down. You are going to
4 stop everybody just because they are confused by the
5 fact that it is 36' and above the limit applies to. I
6 think the proposed regulation should be not moved
7 forward or at all. Thank you very much.

8 CHAIRMAN AMY CRAIG: Thank you, sir. Are
9 there any questions? Thank you. James High, in
10 opposition.

11 MR. JAMES HIGH: Good morning, friends,
12 colleagues, clients, neighbors. I have been a part of
13 this area my whole life. I have been on the Advisory
14 Committee. I don't understand how this is going --

15 CHAIRMAN AMY CRAIG: Can you state your
16 name, for the reporter, please?

17 MR. JAMES HIGH: Jim High, H-i-g-h. I
18 don't know how it is going to be enforced, how we are
19 going to measure the water line, how we are going to
20 count a bow pulpit, how we are going to count a swim
21 platform, how we are going to determine whether a boat

1 is 35 1/2' or 36 1/2'. We don't mention the fact what
2 if I have three outboards? What if I have a single 40'
3 boat with a diesel motor? What if my neighbor has a
4 36' boat with twin screws, and I have a 40' boat with a
5 single diesel. If I am passing him a wave and he is
6 going 6 miles an hour -- the bill just wasn't written
7 correctly, and, so, I would be opposed to the idea of a
8 6 mile-an-hour speed limit for a 36' boat with twin
9 screws or over. Thank you.

10 CHAIRMAN AMY CRAIG: Thank you, sir. Any
11 questions from the Committee?

12 MR. STEVE KLING: Mr. High, would you
13 just -- what is your dog in this fight? What is your
14 involvement in the community on the river?

15 MR. JAMES HIGH: I am the Vice-President of
16 the Marine Trades Association of Maryland and I am a
17 marina owner. I am the person who produces nearly the
18 largest boat parade in the country, and I live on Sue
19 Creek.

20 MR. STEVE KLING: Thank you.

21 CHAIRMAN AMY CRAIG: Any other questions

1 from the Committee? Thank you. Do we have Mark Winsor
2 to speak in opposition? Spell your name for the
3 reporter, please.

4 MR. MARK WINSOR: Mark W-i-n-s-o-r. I
5 didn't really prepare to speak. I am here as an
6 interested boater. I noticed that everybody in
7 opposition to this, nobody is where I am, which is way
8 up the river. I have got a 39' Sea Ray. I have been
9 boating since I was 18. My boat can't go 35 miles an
10 hour, so I don't really particularly have a dog in that
11 fight. It seems to me there is a whole lot of area in
12 between 6 and 35. I understand on the weekends,
13 especially, it gets pretty rough out there sometimes.
14 I don't know why this is written for the weekdays,
15 personally, but it just seems to be that nobody in
16 opposition is in a position where it is going to affect
17 them all that much. The people in Long Beach, yeah,
18 they have a couple of minutes of water like that. I am
19 going to have 45. I am in Cutter Marina. I love the
20 place, but I will leave if I have to. I live in
21 Cockeysville. I come down here to boat in the

1 evenings. I can't take an hour to get on the bay or
2 else why come down. So, that's all I have to say about
3 that. I think something should be done. I don't think
4 6 miles an hour all of the way out is the way to go.

5 CHAIRMAN AMY CRAIG: Thank you, sir. Any
6 questions from the Committee? Thank you. Sharon --
7 can you spell it, please?

8 MS. SHARON KEHNENUI: I do every time I say
9 it. It is Sharon, with one r, K-e-h-n-e-n-u-i. I
10 actually wasn't going to speak today, either, but,
11 thank you, because I came in here to listen. I live
12 inside that 6-mile limit, so there are just a couple of
13 things. I have friends on both sides of this argument.
14 I think Mr. Winsor stole a little bit of my thunder,
15 which is, there is a medium between 6 and 35. There is
16 a medium between all day, everyday, and weekends. The
17 other issue that I wanted to bring up is, I sit on that
18 corner and watch traffic go out on Fridays. Fridays,
19 it is congested. Thursdays, it is not congested. The
20 last thing I would say is, one thing I would just
21 please urge you to urge DNR to actually enforce the

1 laws, because I watch people disobeying that 6
2 mile-per-hour rule all of the time and nothing happens.
3 I think that's creating the opportunity for accidents
4 to happen.

5 CHAIRMAN AMY CRAIG: Any questions from the
6 Committee? Thank you. Next, speaking in opposition,
7 Brenda Wilmoth.

8 MS. BRENDA WILMOTH: Hello. It is Brenda
9 Wilmoth, W-i-l-m-o-t-h, and our family has owned a
10 marina on Sue Creek, off Middle River, since 1965. I
11 agree with a lot of what has been said with the marine
12 trades. A couple of points I would like to make,
13 though, as far as the safety of kayakers, we do a lot
14 of paddle board rentals. There is a lot of nice creeks
15 off of Middle River that are completely safe and
16 beautiful for kayakers. I guess some kayakers might
17 want a more aggressive kayak experience and that can
18 definitely be found on Middle River on the weekends.

19 The other point that I would like to make
20 is, a lot of us in the marine trades are involved in
21 boat sales. We do sea trials all during the week

1 safely on Middle River, but a lot of them are on the
2 stem of Middle River. Some of them are power boats
3 over 36' with twin inboards. We head out and when we
4 head out of Middle River, I think that would really
5 constrict a lot of our business during the week, as
6 well as weekends. So, thank you very much for your
7 time.

8 CHAIRMAN AMY CRAIG: Thank you. Any
9 questions from the Committee? That's all I have on my
10 list. Anyone else speaking? Oh, I am sorry.

11 MR. JOHN PEPE: When this conversation
12 started earlier, somebody threw out a number of 9
13 minutes additional time to travel. Could you clarify
14 what area you were talking about?

15 MR. STEPHEN WEBER: 9 minutes is where the
16 first 6 mile-an-hour marker is out to the Red Marker
17 No. 6, that distance is 1.3 miles. You go out there at
18 6 miles per hour versus 20 miles per hour, is what I
19 said is a good speed for the big boats. It will take
20 an additional 9.1 minutes.

21 CHAIRMAN AMY CRAIG: Speak into the

1 microphone.

2 MR. STEPHEN WEBER: It will take an
3 additional 9.1 minutes.

4 MR. JOHN PEPE: You were also talking about
5 the entire branch of the Middle River.

6 MR. STEPHEN WEBER: Correct.

7 MR. JOHN PEPE: Which is 4 miles to the
8 top, so it is 40 minutes.

9 MR. STEPHEN WEBER: There is already a
10 speed limit on that part of the river on the weekends.
11 That speed limit already exists. The additional
12 requirement is from where the speed limit is now out to
13 the end. That is the 1.3 miles.

14 MR. JOHN PEPE: That was on the Saturdays,
15 Sundays, and holidays. You are talking about at all
16 times?

17 MR. STEPHEN WEBER: Right, for the big
18 boats.

19 MR. JOHN PEPE: Thank you.

20 CHAIRMAN AMY CRAIG: Any other questions
21 from the Committee? Thank you. Any speakers against

1 the proposed regulations? Yes, sir? Be sure to say
2 your name.

3 MR. JOSEPH AUGUSTYNIAK: Joseph
4 Augustyniak, A-u-g-u-s-t-y-n-i-a-k. I questioned the
5 36' twin inboard requirement. Is there any science to
6 back that up? Why not 40 feet? Why not 30 feet? When
7 I am out in the river, I see quite a few walk-around
8 boats, center consoles, runabouts. You are telling me
9 that 4 or 5 30-foot or 25-foot walkarounds aren't going
10 to create as much wave action as a 36' boat? I just
11 don't understand how that limit was set.

12 CHAIRMAN AMY CRAIG: Any questions from the
13 Committee? Thank you, sir. Anyone else speaking in
14 opposition to the proposed regulation? Thank you all.
15 Can we have a report from our NRP Officer?

16 CORPORAL KEVIN KELLY: Good morning,
17 everybody. I am Corporate Kevin Kelly, with the
18 Maryland Natural Resources Police. I am stationed
19 right here at Frog Mortar Creek. I patrol all of the
20 waters of Baltimore County and City. Just for the
21 record, we are in an area for NRP Officers Assignment

1 Area 5, District 3. We also share the water with the
2 Baltimore County Police Marine Unit. Some of those
3 officers are here today, as well. As far as the
4 proposal, I was assigned this by my Commander back at
5 the end of the summer, because as is standard practice,
6 Natural Resources Police is involved in the survey
7 requests. I know unlike speed limits on roadways, the
8 police are involved with this one. We get to put our
9 input in there, as well, and it is actually a good
10 thing, because nobody is on the waterways as much as we
11 are. So, I might be on a boat 50 hours a week. Who
12 else here is actually on a boat 50 hours a week on the
13 waterway?

14 What is more important with us getting
15 involved is the enforceability of a regulation. So, a
16 regulation is only as good as it can be enforced,
17 right? So, the obvious that was mentioned by some
18 others today, the obvious concern is, how are we going
19 to determine the length of a vessel just by looking at
20 it? Also, the twin screw requirement, all of the drive
21 gear is under the water. So, this isn't outboards.

1 So, to break it down for you, we are going to be seeing
2 a vessel in motion, obviously, going more than 6 knots.
3 Any boat on plane is going more than 6 knots. So, you
4 have got a boat on plane. I guess it looks like 36,
5 maybe 40 feet long. So, then, me, as the officer who
6 is enforcing these regulations, I have to make a
7 determination. Okay. Are they violating the
8 regulation? Do I stop them or not? Let's say I
9 activate my emergency lights and siren, stop the people
10 from traveling, bring them to a stop, pull them over,
11 and, as far as someone mentioned, no, we are not going
12 to measure a boat, because when it comes down to it,
13 the length of your vessel that is on your Coast Guard
14 documentation and State registration, that is going to
15 be the official length. Whatever is on there, that's
16 your length. Yeah, if your registration says 35'6",
17 you are under 36'. So, let's say I stop you for
18 possibly violating the 6-knots zone, over 36', yeah, I
19 can assume you probably have twin inboards. Most
20 larger boats, you need twin inboards to maneuver to the
21 dock. I stop you. Let me see your registration card.

1 I am not getting your regulation card until I get it
2 from your hand. Then, I look, and, oh, I am sorry,
3 sir, you are 34 feet long. There is no violation here.
4 Have a nice day. So, based on that, we can see how
5 many complaints Natural Resources Police would get from
6 citizens. I was just unlawfully stopped. They pulled
7 me over and thought I was speeding, but I was
8 conforming to the regulation. So, at the very least,
9 that is a concern of us, here, who patrol the
10 waterways. Obviously, it is an unprecedented speed
11 limit for the whole State of Maryland. Normally, yes.
12 The only other type of vessel that has more
13 restrictions are personal watercraft, but it is very
14 easy to determine what a motorcycle looks like compared
15 to a car. So, it is very easy to determine what a
16 personal watercraft is compared to any other type of
17 boat. So, yes, PWC's have special regulations for
18 them, and that is very easy to enforce, because you are
19 not judging a length. So, that is the biggest concern
20 of our's, it is the enforceability issue, and possibly
21 any type of constitutional concerns of that, because

1 going down the Natural Resources Law, we do have the
2 authority to basically stop boats, but we, as an
3 agency, make it a policy to, you know, put restrictions
4 on that. So, yes, if you are engaged in DNR-related
5 activity, we come check you, check all of your safety
6 equipment. Normally, if you are just cruising around,
7 and you are not violating the rules of the road, then,
8 we don't just pull you over and say, hey. We do have
9 the authority to do that, but we have in our policy, we
10 have to make a special operations plan we forward up
11 our chain of command, and it is only, like, a two-hour
12 window. We have been doing that on Middle River the
13 past two years because it has been backed by the
14 State's Attorney's Office by Law. It all got checked
15 out. So, yes, you may get stopped. We do it purely
16 for a safety check. Yes, citations and warnings can
17 come out of that, but that is really the only time we
18 are stopping a vessel in motion that hasn't had a
19 probable cause for stop for, like, speeding or whatnot.
20 So, if we are going to be doing this, and stopping
21 boats, and you wind up being less than 36', that is

1 where I can see complaints being called in on officers
2 for just pulling boats over. That was our biggest
3 concern, not taking into account -- obviously, I wasn't
4 concerned about the river waterway restaurants losing
5 money or whatnot. I was purely focusing on the
6 enforceability of it. I patrolled Anne Arundel County,
7 the Severn and Magothy River. Both of those rivers are
8 like washing machines, too, on the weekends. I grew up
9 boating out of Middle River, and, now, I have been
10 patrolling here for the past 3 years, and, yes,
11 Saturdays and Sundays, there is a lot of traffic out
12 there, but the one thing I see is, there is not an
13 overabundance of vessels that are 36' or larger. I
14 frankly think that cabin cruises that are under 30 feet
15 can throw a lot of weight, and as physics works, what
16 you have happen a lot of the time is when boat wakes
17 collide and the crest of the wakes hit each other, it
18 is physics. They jack up and make a bigger wave. So,
19 what you are having a lot of out there, as I am
20 patrolling around, you have the wake coming this way,
21 and, then, another boat coming the opposite way, and,

1 then, the wakes combine, and they become a larger wake.
2 That's the sloshing around you get, also. Boats
3 traveling close together, throwing wakes, it keeps
4 getting amplified the more boats out there. I never
5 thought that a certain size vessel was, like, causing a
6 lot more wake than the other, because the average
7 vessel size is probably somewhere in the 20-some foot
8 range that we see out there. So, everybody is throwing
9 wakes. As everyone knows, you can throw a bigger wake
10 going 10 knots than you are going 40 knots, because it
11 is just displacement. So, I can be on my 25-foot
12 patrol boat going 10 knots and throw a 3-foot wake, but
13 when I am going 30 knots, you barely even see a wake.
14 So, the speed thing going 30 -- going 10 knots, you
15 throw a bigger wake than going 20 knots. So, that's
16 also something I take into consideration. You are just
17 going 6 knots. It has got to be all or nothing, I
18 believe. It is either every boat or not just
19 restricted sometimes.

20 THE AUDIENCE: There you go.

21 CORPORAL KEVIN KELLY: I am out there

1 everyday. The average boat is 20-some feet long. Some
2 of the longer boats are the go-fast boats. They
3 violate the 35 knots that's in the daytime and 20 at
4 night. That also has enforcibility issues because
5 we don't have a radar gun, like, in a car, we have to
6 go right bow on with you and shoot a radar gun. It
7 would be, like, oh, you are going 38 knots. It is a
8 lot easier to enforce 6 knots, because you cannot
9 physically have a boat get on plane that is going less
10 than 6.9 miles per hour, which is 6 knots. Typically,
11 when we stop a boat for going over 6 knots, it is
12 clearly on plane in the 6 knots zone, and, obviously,
13 you are not going 6.9 miles an hour if you are on
14 plane. So, it is not the one that is just plowing.
15 They might be going 8 knots compared to 6 knots.
16 Sometimes, you can plow a lot more water going 6 knots
17 because you just got off plane, and the momentum of
18 your boat still has the bow up attitude instead of
19 being level. So, you take all of that into
20 consideration. You have 40-plus-foot long boats going
21 12 knots, just throwing a whole wall of water, whereas,

1 they would make a smaller wake if they were actually on
2 plane. So, with Middle River being a mile wide, it
3 does make it, like, a highway, and, yet, it is
4 congested. It's not just that the current speed zone
5 area that is really the narrow part, right here, all of
6 this is 6 knots, anyway, as it should be. It is really
7 narrow. Even right here, it's narrow. It is like a
8 highway of boats going either other way. You have got
9 boats crossing. So, you have got a lot of congestion,
10 and everybody has to keep their eyes open, and avoid
11 each other. Luckily -- and I guess you can say
12 surprisingly, we have not had any bad vessel versus
13 vessel boat accidents. The most boat accidents I ever
14 handle -- I had a sailboat a couple of years ago sail
15 into the Wilson Point Day Marker and de-mast itself
16 while it was under sail because the operator wasn't
17 paying attention. Luckily, being out there all of the
18 time, we don't have just boats crashing into each
19 other. So, that is always a good thing. The
20 congestion there of all of the boats speeding past each
21 other, that's -- it is dangerous out there. Luckily,

1 nothing has happened, but, really, it would need to be
2 all or nothing with the 6 knots if you really wanted to
3 avoid any dangerous situations. But, then, what is the
4 practicality of doing that? Nowhere else in the State
5 do we have a whole river that's 6 knots. That even
6 goes down to the State Capitol and the Severn River,
7 where boats are just prevalent, even more so.

8 Another thing I thought about, if we have
9 larger vessels that have to go 6 knots when everyone
10 else is free to go up to the 35 limit during the
11 daytime, as you have sailboats out there that aren't
12 going fast that are sailing in the channel, and, then,
13 you have got the power boats going by them. It
14 actually makes a navigational hazard when you have some
15 boats going really slow, and everyone else going fast.
16 The same with on the highway. You have got someone
17 going 50 in a 65 mile per hour. People are tailgating
18 them. So, you can just imagine boats that are over 36'
19 going 6 knots, and they are right in the channel.
20 Everyone else is weaving around them and that might
21 cause a dangerous situation with boats trying to

1 overtake, cross the wake. It kind of is safer for
2 everyone to be going the same speed, as it is when they
3 get up in the 6 knots zone, as compared to the middle
4 of the river, where there is no restriction right now.

5 We have a call system that's all
6 computerized now. The best I could by searching call
7 types and boat accidents, we really never get any
8 complaints called in. Yeah, we get complaints from
9 various parts of creeks when someone sees a boat go by
10 and they see a wake hit their boat. That is at the
11 pier. It causes minor damage, and they call us, but I
12 have only found, like, the vessel -- I typed in the
13 vessel length, and back in July 8th, 2017, we had a
14 complaint that a sailboat called in regarding a large
15 vessel's wake that almost swamped them, but that's all
16 I could find in our records. So, we aren't getting
17 flooded with complaints regarding large boats causing
18 wakes on the river. So, I did do my research with
19 that. It is just the enforceability issue, is why we
20 don't see how this can possibly take effect. Also, for
21 the public to be properly notified about the

1 regulation, because there is one buoy out there, No. 6,
2 it says, 35/25 knots. Nobody actually -- a lot of
3 boaters in Middle River have been there their whole
4 life, didn't know that existed. I will take a
5 question.

6 CHAIRMAN AMY CRAIG: Thank you. Any
7 questions from the Committee? Joe?

8 MR. JOE HELLNER: So, understanding what
9 you just told us, and, also, your written report, it
10 also your position that in your extensive experience
11 that the main branch Middle River, there
12 exists adequate room -- and I want to choose my words
13 carefully, so I will look at my notes -- "adequate room
14 and depth to adhere to the rules of the road and
15 operate vessels safely, even on a crowded weekend," is
16 that correct?

17 CORPORAL KEVIN KELLY: Yes, the depth
18 and -- what is it -- probably a mile. I didn't measure
19 it exactly, but, like, a mile wide. If everyone
20 follows the navigation rules of the road, everyone
21 should be able to be safe, because it's not as narrow

1 as further up the river where, obviously, a 6 knot zone
2 is practical there, and necessary, but I don't think
3 Middle River is particularly, like, narrow compared to
4 other rivers that don't have a speed zone on it. So,
5 that is why I just put that in there. It is adequately
6 deep. There is no narrow channel there. It goes from
7 6 -- it is not a restricted channel in depth and width.
8 That is why I put that in there.

9 MR. JOE HELLNER: Thank you, Corporal.

10 CHAIRMAN AMY CRAIG: Any other questions
11 from the Committee? Thank you. Thank you, sir. I
12 believe that you said that the Baltimore County Marine
13 Police are here. Do you all want to make any comments?

14 OFFICER OAKES: Hi. I am Officer Oakes
15 from the Baltimore County Marine Unit. It is
16 O-a-k-e-s. We weren't supposed to speak here today. I
17 am just going to concur with the Corporal. We are on
18 the same page with him. We don't think it is
19 enforceable due to the size regulations, the 36 foot
20 and the twin screw. We stop on probable cause and we
21 are not going to stop somebody that could be, like, 35

1 1/2 feet. It is going to cause issues for us. We are
2 not going to agree with the regulation. Yes, sir?

3 CHAIRMAN AMY CRAIG: Thank you, sir. Joe?

4 MR. JOE HELLNER: I also wanted to ask you
5 the same question: In your experience patrolling these
6 waters, is there adequate room and depth for, even on a
7 busy weekend, for vessels to operate safely, and avoid
8 each other?

9 OFFICER OAKES: In my experience, there is
10 adequate room for these vessels. Like Corporal Kelly,
11 we haven't had any major incidents with boats flying
12 into each other in that area. Like he said, it's
13 either all or nothing with this, if you want to do 6
14 knots to the end of the river for all vessels. You
15 just can't single out 36 and above.

16 MR. JOE HELLNER: Just to follow-up, my
17 question pertained to the current speed limits that
18 exist today, adequate depth and room on the Middle
19 River Main Branch for vessel operators to obey existing
20 laws, regulations, and obey the rules of the road. So,
21 regardless of what speed it is -- right now, they can

1 go up to 35 knots during the day. So, that's my
2 question. Is that what your position is, that under
3 the existing limits and regulations today, vessels can
4 operate safely?

5 OFFICER OAKES: Yes, that's our position.

6 MR. JOE HELLNER: Thank you, Officer.

7 CHAIRMAN AMY CRAIG: Thank you, Officer.

8 Any other questions from the Committee for the officer?
9 Thank you, sir. Okay. That wraps Middle River for us
10 and we will move on to Days Cove, Little Gunpowder
11 Falls. Can you give us a visitation on that, Mike?
12 Let's take a break while everybody heads out.

13 (Recess taken -- 11:40 a.m.)

14 (After recess -- 11:47 a.m.)

15 CHAIRMAN AMY CRAIG: All right. I call the
16 meeting back into order. We are going to have a
17 presentation on Days Cove - Little Gunpowder Falls.
18 Mike, can you take us through this?

19 CAPTAIN MIKE SIMONSEN: Thank you, Madam
20 Chair. Our next Petition for Proposed Regulation
21 Change Request is for the Days Cove - Little Gunpowder

1 Falls to remove 6 knots all times restriction and
2 replace with the 35 knots sunrise to sunset, 6 knots
3 sunset to sunrise. I have given all of you the letter
4 from Mr. Christopher Huffman that was dated in his
5 original Petition. Also in the Petition, there was a
6 note that there was clarification of the area of
7 concern. This, as you can see right here, this is the
8 area that was to be denoted to be of concern. It is
9 right in here. Is this considered the Little Gunpowder
10 Falls?

11 THE SPEAKER: That is the Big Gunpowder
12 Falls. The Little Gunpowder Falls comes in closer to
13 Joppatowne.

14 CAPTAIN MIKE SIMONSEN: Okay. So, this
15 area, Madam Secretary, and this access to encompass the
16 whole area of the Days Cove Pond this is the area that
17 is what is in the pamphlet that I forwarded to you
18 folks, that was received by the Boat Act Advisory
19 Committee Unit, and, then, the Multi-Petition Signers
20 supporting this Petition. This is the area that was
21 denoted off the website; however, this is actually the

1 most instinctive to what is the Proposed Regulation
2 Change, again, is to have -- this would be requesting
3 35 knots to this, and, then, also, into the Days Cove
4 area. Thank you, Madam Secretary.

5 MR. STEVE KLING: Madam Chair.

6 CHAIRMAN AMY CRAIG: Only the Chair.

7 CAPTAIN MIKE SIMONSEN: Excuse me.

8 CHAIRMAN AMY CRAIG: Thank you for that
9 promotion. Okay. So, who do we have speaking for the
10 request? Scott Sewell?

11 MR. SCOTT SEWELL: Hi. I have a couple of
12 gentlemen here that have to leave and asked if they
13 could go before me, so if that is okay?

14 CHAIRMAN AMY CRAIG: That works for us.
15 Please state your name and use the microphone.

16 MR. GREG LEDWELL: Good morning. My name
17 is Greg Ledwell. I am with the Maryland Bass Nation.
18 I am on the Tournament Committee for the Northern
19 Region.

20 CAPTAIN MIKE SIMONSEN: Could you spell
21 your name, please?

1 MR. GREG LEDWELL: My last name is spelled
2 L-e-d-w-e-l-l. I am for the Proposal. This area that
3 was put in the 6 mile an hour several years ago, that
4 has somewhat impacted a lot of people that fish back in
5 that area. I am not sure why it was put in. I am
6 guessing because people that use kayaks are worried
7 about the boats that come in and out of the canals.
8 What I can tell you, I have been fishing this area my
9 entire life, 30-plus years in and out of these canals,
10 and back into what we call "the quarry," and back into
11 what we call the Days Cove Area. It has impacted me
12 being able to go back there on a regular basis. So, I
13 haven't really been going back there because of that.
14 It also, when you are staying on plane, you have to get
15 across. The whole thing out in front of this area is
16 like a flat. Then, it deepens up. So, if you are on
17 plane, you can make it across it, and make it into
18 these areas to be able to fish, but if you have to do 6
19 miles an hour, you might as well not even go, because
20 on a low tide, you don't have enough water. So, that
21 is the biggest reason for me. So, I want to say, when

1 you are on plane, if you are going into there, it was
2 talked about earlier how boats make a bigger wake when
3 they are going 6 miles an hour versus being on plane.
4 It is especially true with a bass boat. We only draft
5 less than a foot of water when we are riding on plane.
6 So, when the wake goes by you, it's just a little
7 ripple, but if we are going 6 miles an hour, it is
8 because more of the boat is in the water. So, that's
9 what I want to say, you know, for my statement. Thank
10 you.

11 CHAIRMAN AMY CRAIG: Thank you. Any
12 questions from the Committee?

13 MR. STEVE KLING: So, humor me here.
14 Imagine this is a boat. That's a hull. It's your
15 testimony that -- would you agree when you go up on
16 plane, the boat does this?

17 MR. GREG LEDWELL: Somewhat, yes.

18 MR. STEVE KLING: You are telling me on a
19 plane, the bottom of the prop is higher than when you
20 are flat?

21 MR. GREG LEDWELL: Yes. More of the boat

1 is out the of the water.

2 MR. STEVE KLING: I am not asking about the
3 boat, I am asking about the prop.

4 MR. GREG LEDWELL: Yes.

5 MR. STEVE KLING: You are telling me the
6 prop is higher when you are on plane?

7 MR. GREG LEDWELL: Absolutely. Much
8 higher.

9 CHAIRMAN AMY CRAIG: Any other questions
10 from the Committee?

11 THE SPEAKER: Would it be possible for you
12 to use your electric trolling motor --

13 CHAIRMAN AMY CRAIG: The Committee asks the
14 questions. Thank you. Thank you, sir. Was there
15 someone else who needed to speak?

16 MR. TOM TODD: My name is Tom Todd. I am
17 President of the River Rats Bassmasters. Todd is
18 spelled correctly, T-o-d-d, with two d's. Thank you.
19 I kind of want to get this clarified. My eyes are
20 50-something years old and I am having trouble seeing
21 this map. I am sure many of you, with the light in

1 here, are having trouble seeing this map; however, we
2 are not talking about the Joppatowne area, where there
3 is houses, and docks, and marinas. This is all
4 wilderness area with canals, and, then, down in here,
5 you have flats that are very shallow, very hard for
6 boats to get over those flats unless we are on plane.
7 So, like Greg said, it almost cuts out a whole lot of
8 fishing area for us that we can't even get to because
9 we have to go 6 miles an hour. Our boats are much
10 deeper in the water at 6 miles an hour. We are
11 drafting less than a foot when we are on plane. I
12 would be in proposal of opening up to 35 knots or 35
13 mile an hour, whatever that is. This area in here, I
14 just want to make that clear, we are not discussing any
15 area where there is residences, docks, or other
16 navigable waters for your normal boats. The only folks
17 that go in there are very small craft, kayaks, canoes,
18 bass boats, Jon boats, very, very small craft. None of
19 them draft or none of them put out huge wakes that
20 create a problem for any of those boats. I just want
21 to make sure that's clear with everybody here. Any

1 questions?

2 CHAIRMAN AMY CRAIG: I will ask. Does the
3 Committee have any questions? Thank you, sir.

4 MR. GREG LEDWELL: Thank you.

5 CHAIRMAN AMY CRAIG: Anybody else on a time
6 crunch? Please state your name.

7 MR. SCOTT SEWELL: My name is Scott Sewell,
8 S-co-t-t S-e-w-e-l-l, and I have testified back -- I
9 think it was -- about three years ago two times. I
10 went down to Kent Island. I was also at the meeting in
11 Joppatowne to discuss this. I am one of the original
12 signers asking for a speed limit on this road or on
13 this waterway. Much to the detriment of a lot of my
14 friends in the bass fishing world, who blame me for us
15 losing the ability to go on plane back in the -- Rick,
16 am I not right? So, I took a lot of heat. The whole
17 reason I signed that original Petition, it was
18 presented to me at a meeting in Annapolis one day they
19 needed some signers. Myself and a couple of members of
20 the Executive Board of the Maryland Bass Nation signed
21 it because I agree there should be some type of speed

1 limit. It was put to us as just the canal leading back
2 to the Joppatowne Quarry at the time, only the canal
3 was been discussed. Having fished that hundreds of
4 times, having driven through there hundreds of times, I
5 have seen reckless operation through there, so, I said,
6 yeah, we need a speed limit. What I didn't want to
7 see -- and I even testified to that -- was a 6
8 mile-an-hour limit, because like you heard from my
9 fellow bass fisherman that were just here, operating a
10 a bass boat at 6 miles an hour, I have lost -- I didn't
11 lose them, but I damaged, and had to have them
12 repaired, two lower units coming across that flat
13 between the flat mouth of the creek and the train
14 bridge. It cost over \$3,000.00 on the two occasions to
15 get my lower unit repaired, but I wanted to see a
16 reasonable speed limit of 35 miles an hour during the
17 day in that canal. Now, I just realized that this
18 position here is only talking about the upper canals
19 and not the original ones. So, I guess that is going
20 to stay 6 mile an hour, which is -- it is what it is.
21 I thought this was included in it, but I do agree with

1 what they said, that going across that flat area on a
2 plane, you only draft maybe a foot, and we are not
3 asking to go across there 80 miles an hour. Some of
4 our boats will do that. Mine doesn't. A 35
5 mile-an-hour speed limit would be great. You can lift
6 up -- your hull lifts, and the motor raises up. To
7 answer your question, Steve, about the motor, you tilt
8 your motor up so it is farther from down the bottom.
9 So, you don't hit anything and it puts your boat on a
10 plane. So, I would like to do that.

11 I want to give you a little bit about my
12 background before I testify. I kind of jumped over
13 that. I am very familiar with enforcement laws because
14 I was a State Trooper for 20 years, U.S. Marshal for
15 five years, and I also served a stint as the Colonel of
16 the Natural Resources Police in my career in law
17 enforcement. I am retired now. I understand the
18 safety issue involved. When I see a kayaker or a
19 canoer on a river, if I am anywhere near them, I drop
20 down and do 6 mile an hour as do the majority of the
21 bass fishermen that I know. As a matter of fact, the

1 Maryland Bass Nation, of which I am the Conservation
2 Director, we require you to be safe boating operation
3 and obey all laws, and one of the problems when we say
4 obey all laws is that if we put on a tournament
5 somewhere, like, my club, M.R. BASS, puts on a little
6 tournament at Joppatowne every June 20 -- whatever the
7 Summer Solstice is. We call it the Summer Solstice
8 Event. It is a benefit tournament to raise money to
9 buy bass and stock bass in the local rivers. We are
10 doing our part to try and help after the fish kill.
11 Our numbers are down the last couple of years, because
12 we launch out of Joppatowne, which is right around the
13 corner from this area, and the guys understand that,
14 hey, I can't get up where I want to fish. If I idle, I
15 am going to get stuck. I am going to raise my hand
16 right now and tell you, this past summer, I fished that
17 tournament with a fellow club member, who had a jet
18 boat. If you know about jet boats, they don't have a
19 prop down there. They can go through some pretty
20 skinny water. Well, we came out, and because we
21 couldn't get up on a high plane, we started to idle

1 across there, and got stuck in this jet boat. So,
2 Scotty boy, here, and him were out pushing this thing.
3 It took us over half an hour to get off of that flat so
4 that we could participate in this tournament. Another
5 guy didn't even try, because he knew about the
6 problems. A reasonable speed limit, I believe, is the
7 answer that will satisfy everyone, and like the DNR
8 Officer said, he stood here and told you one of the
9 things I was going to tell you, is that on a plane, my
10 boat might produce a wake about like that, I have a
11 21-foot bass boat with a 250 Mercury on the back. When
12 I sit down and idle, I am throwing a wake probably two
13 and a half, three feet. As a matter of fact, when we
14 are fishing and see another bass boat fishing -- and I
15 fish a lot of skinny water, narrow creeks, we tell
16 them, come on by. We wave them on by. I have even had
17 kayakers and canoers which go like this, don't set it
18 down, they don't want that big wake. So, I think that
19 is an important thing to remember.

20 That is basically what I wanted to say,
21 just that I was here three years ago twice asking for a

1 reasonable speed limit. You know, when we had that
2 hearing in Joppatowne, this area of Days Cove was never
3 discussed. We were just discussing that canal leading
4 back to the quarry.

5 THE SPEAKER: The Little Gunpowder. The
6 first canal.

7 MR. GREG LEDWELL: Do you want me to show
8 you on the map?

9 THE SPEAKER: The Little Gunpowder runs.
10 That is flowing water. That is tidal water. The canal
11 pushes water. That is moving water. That is coming
12 down from the Little Gunpowder. That is moving water,
13 tidal water. That is the Little Gunpowder.

14 MR. GREG LEDWELL: This area right in here
15 is the canal that was leading back to the quarry. That
16 is what the whole hearing was about. Right here, you
17 can see it much better, that little canal. Okay? But
18 when the regulation was decided to do the 6 mile an
19 hour, every little creek down here was posted. That
20 was never even discussed. We were just discussing this
21 one. Somehow, it included all of this. So, we are not

1 even asking this to be changed. We are here saying,
2 hey, you know, while I think it should be a speed limit
3 there, too, we just need to get across the flat so we
4 can fish some of the areas that we like to fish.

5 CHAIRMAN AMY CRAIG: Any questions?

6 Ramona?

7 MS. RAMONA TROVATO: Do your bass boats not
8 get on a plane until you are at 35 miles an hour?

9 MR. GREG LEDWELL: No.

10 MS. RAMONA TROVATO: What speeds do they
11 get on plane?

12 MR. GREG LEDWELL: Mine is kind of heavy.
13 It needs to be about 30 miles an hour, 25 or 30,
14 otherwise, it is bogging down. 35 gives us plenty of
15 visibility. It is the same as on Middle River. 35/25,
16 I can get up on a plane and scoot all around Middle
17 River. I live right on the water in Middle River and I
18 fish it frequently. I would rather do 55 or 60, but
19 especially this time of year when there is no boats out
20 there, but I stick to the 35. You obey the law.
21 That's why we would like to have something reasonable.

1 If they don't obey the law, they get disqualified from
2 the tournament. We are that strict. No alcohol, no
3 speeding, no breaking any law. When there is a 6
4 mile-an-hour zone, they must obey it, or they will be
5 DQ'd.

6 MS. RAMONA TROVATO: Thank you, Mr. Sewell.

7 CHAIRMAN AMY CRAIG: Mr. Pepe?

8 MR. JOHN PEPE: My observation when I was
9 up there on a little Jon boat way back in there, the
10 day I was there, it was absolutely nobody there, no
11 kayakers or anything. It was early spring. On an
12 average weekend, a good weekend, how many boats are
13 back in there? You guys fish it all of the time.

14 MR. GREG LEDWELL: Well, if there is a
15 tournament, maybe half a dozen. It is not like it's a
16 heavy number. Sometimes they have the big tournaments
17 up out of Anchor Marine, in Northeast River. They
18 actually run -- the fishing is so good back in there,
19 they run all of the way down the bay to get back inside
20 there. I do know -- I didn't see it, but I was told a
21 couple of guys after they fished in there tried to get

1 out, and trying to obey that law. They got stuck.
2 They didn't get back in time to weigh in their fish.
3 So, they wasted all of the time running down. They got
4 in on a fairly, I guess, high tide, being able to idle
5 in, but low tide is about a foot and a half, two foot
6 difference for the tidal range. So, at low tide, you
7 just won't get out of there trying to idle. Trying to
8 use your electric trolling motor, forget it. You have
9 to be up on a plane and get through.

10 CHAIRMAN AMY CRAIG: Thank you.

11 MR. GREG LEDWELL: Thank you for giving us
12 the opportunity to speak.

13 CHAIRMAN AMY CRAIG: Any other questions
14 from the Committee? Okay. Thank you, sir. Back to
15 the list. Chris Huffman?

16 MR. CHRIS HUFFMAN: Hello. Good afternoon
17 everyone here today. My name is Christopher Lee
18 Huffman. Only my mother calls me that, so I would
19 rather be preferred to be called Chris. Huffman, that
20 is H-u-f-f-m-a-n. A little bit about myself, first. I
21 am an avid bass angler. I was the former Tournament

1 Director for the State of Maryland for TBF, which is
2 The Bass Federation, which is sponsored and backed by
3 the pro circuit, known nationally as the FLW. I was
4 the Tournament Director for 4 years. I am a busy bee.
5 I work nighttime. I have a Top Secret Clearance with
6 the Department of Defense. To be honest, I work for
7 the DOD. We are in a highly respectful and rare
8 position with the Department of Defense. During the
9 daytime, I own my own highly successful home inspection
10 company during the day. So, I am very honest, and very
11 forward, and very fair. The concern was we have a
12 resource that has been at our fingertips forever that
13 we have had. We have taken our children out there
14 fishing. It was just a resource. It was quiet. It
15 was nestled back out of the way of everybody else. We
16 enjoy the quiet time and have a good time. Ever since
17 this rule went into effect a couple of years ago, this
18 resource has been basically eliminated from our
19 industry, and good fishing grounds. We have had the
20 pro divisions from BASS, the elites, to FLW's that do
21 come here that can't get back there. We had to explain

1 why. So, the concern I have with this is, like I said,
2 the resource, it has been, you know, taken away from
3 us. The original Petition, as Scott said, that came
4 out by a gentleman, Nick Nicosia -- I guess that is
5 what his name was -- was talking about the Little
6 Gunpowder. You have Joppatowne right here. All of
7 that water is 6 miles per hour -- okay -- I am just
8 saying that. You come around this corner, you have
9 this little canal right here that leads back to the
10 quarry. Okay? That was also put on my Petition, yeah,
11 we are going to get all of this overturned. You know
12 what I said? No. We are going to come up with a
13 compromise here to help the kayakers out, as well,
14 because the original Petition they came up with was
15 just on this Little Gunpowder leading back to the
16 quarry. It is not about the Big Gunpowder that can
17 also go into the quarry. It was not about going in
18 across the Days Cove Flat, and sitting it down here,
19 and going 6 miles per hour to the Days Cove, which is
20 phenomenal fishing, by the way. The thing is, the very
21 good fishermen know about these areas. Some of your

1 locals and some of your out-of-towners don't really
2 know it. So, also, when you are patrolling these areas
3 by boat, 6 miles per hour, you are not going to be able
4 to navigate that. I used to have a Bullet bass boat,
5 with a racing 300 on the back. This sucker did about
6 100 miles an hour, honest to God. I only needed not
7 even 11 inches of water to get on plane on that boat.
8 These bass boats today need less than a foot of water
9 to navigate, but when you do a 6 mile an hour in
10 shallow conditions, your boat is sitting down 2 to 3
11 feet. You can't navigate or get to a resource you had
12 at your fingertips your whole life.

13 So, now, I talked to Michael Gray on the
14 phone in the springtime. This is before he retired.
15 He called me up. He said, "At a safety standpoint, do
16 you deem it to be unsafe to go back there 35 miles per
17 hour?" "Absolutely not." What happens if -- if is a
18 big word for 2 letters. It is a very big word when you
19 put that in front of something. It means a lot. It
20 explains that situation a lot. "So, what if you get in
21 an accident?" I said to Mr. Mike, I said, "Has there

1 been a reported accident back there?" "Not to my
2 knowledge." "Has anyone gotten hurt back there?" "Not
3 to my knowledge." Then, again, "Mr. Huffman, how is
4 help going to get back there?" So, I stated the fact,
5 "What if I am a kayaker?" I do kayak once in awhile.
6 I am by myself. I have a stroke. I am 46 years old.
7 What if I have a stroke? If I have a stroke back
8 there, and I am able to make a phone call, how are you
9 able to get to me? There were 2 friends of mine up on
10 the upper bay -- just to change it up a little bit --
11 they were on the upper bay, on the flats, very shallow
12 location. It is open water. If you do not know the
13 area, you will get stuck. You will hit objects. That
14 is not 6 miles per hour. Mr. Walt Willie, they were
15 guides up on the upper bay for years, well known. They
16 live in the Town of Havre de Grace, just to give you an
17 example. Their fishing tournament in the spring, three
18 feet of water, hit a low, and Mr. Willie was thrown out
19 of that boat. Lost his leg because the motor came up
20 and landed between him and a boater, and it was still
21 running, and made mincemeat out of his leg. How do you

1 think they were saved? By another bass boat because
2 one of your boats could not reach them, and a
3 helicopter. So, now, this goes back to my previous
4 statement, if I have a stroke, and I am back there, how
5 are you getting to me? Same situation. So, when you
6 try to throw the safety situation into this, it is kind
7 of irrelevant. Okay? When you are on the water, you
8 know the safety rules. You know what you are able to
9 do. You also know what you are able not to do. When
10 you take a kayak, or a moving vessel, you are accepting
11 the laws that are ahead.

12 So, let's say I am on the bay, the upper
13 bay, Swan Creek, and the kayakers say, you know what, I
14 want to have a tournament up there. These bass boats
15 are just flying in this wide open space and create a
16 wake. Do you put that off limits? No. It's public
17 access.

18 But, anyway, let's talk about back to this.
19 Basically, it's a resource that we have had taken away,
20 that we would like to have access to. We want to come
21 up with a compromise with the kayakers to give them the

1 original Petition that they want, which is right here.
2 We would just like to have access at 35 from here back
3 to be able to access the quarry safely. This is three
4 times the width, if not four times the width as the
5 Little Gunpowder. You have better visibility, for No.
6 1, and it is slightly deeper water on a low tide --
7 okay -- in some spots. If you get across this flat
8 here, it is a very wide area. Your visual is not
9 restricted at all, at all. So, to see a vessel here,
10 like, a kayak or a canoer, it is very simple here, as
11 well as in here. It is pretty straight versus being
12 very narrow and curvy. So, we can still access our
13 resource -- okay -- and still give the kayakers what
14 their original Petition was for back when they put it
15 in for the Little Gunpowder. That is all I would like
16 to say about the situation. It was brought to me. It
17 was brought up to me from a gentleman named Marty
18 Osbourne, that came up with the Petition originally,
19 and he could not be here today, because he has to work.
20 That Petition was then handed to Dana Rodriguez, which
21 said, "Chris, can you do something with this?" "I will

1 see what I can do." Three years ago, I talked to Joe
2 Love and started working from there. So, that is all I
3 have. I appreciate the time you gave me to speak and I
4 am hoping this moves in a positive direction forward to
5 help compromise both sides the way it works for
6 everyone.

7 CHAIRMAN AMY CRAIG: Thank you, sir.
8 Questions from the Committee? Thank you. Frank
9 Arthur?

10 MR. FRANK ARTHUR: No.

11 CHAIRMAN AMY CRAIG: Thank you, sir.
12 Raymond Tekemski?

13 MR. RAYMOND TEKEMSKI: I didn't want to
14 speak, either.

15 CHAIRMAN AMY CRAIG: Daniel Rodriguez?

16 MR. DANIEL RODRIGUEZ: I will say a little
17 bit of something. Daniel Rodriguez, D-a-n-i-e-l,
18 Rodriguez, R-o-d-r-i-g-u-e-z. I am here like the rest
19 of the guys, to talk about reopening these waterways to
20 bass fisherman. It is a valuable resource not only to
21 bass fisherman, but to duck hunters, and to families

1 that go back there, and enjoy a day of fishing. It is
2 great fishing back there. It is kind of shallow not
3 only on that flat, but through some of those canals
4 that you have to run on plane full time to get back
5 there. Some of those canals are only two feet deep.
6 On low water, it is a foot and a half, so you have got
7 to run on plane to get back there. The pros come here.
8 They access back there. They bring economics to the
9 area by running back their fishing. It is a shame that
10 it has been taken away from guys like myself and many
11 others that enjoyed it over the years. I personally
12 have been going back there and witnessed the change of
13 the quarries, and the way that the Little Gunpowder
14 flows now. It flows through the quarry, where it just
15 used to flow and open up in the quarry. Now, it flows
16 through the quarry and the Little Gunpowder, but it
17 would be nice to be fair for everybody to enjoy this
18 resource. That's all I have to say. So, thank you.

19 CHAIRMAN AMY CRAIG: Thank you, sir. Any
20 questions from the Committee? Ramona?

21 MS. RAMONA TROVATO: Do you see kayakers

1 and canoers out there?

2 MR. DANIEL RODRIGUEZ: I tell you, it is
3 like a seasonal thing for the kayakers. They are not
4 out there early spring. Very seldom do you ever see
5 them. It's like summertime, July-August. You don't
6 see a lot of kayakers. When you do, I have had them
7 wave me by, keep going, but they have to use common
8 sense, too.

9 MS. RAMONA TROVATO: Are you out there
10 weekends or weekdays?

11 MR. DANIEL RODRIGUEZ: I have been -- I
12 fish back there a lot -- probably a lot more than a lot
13 of guys over the years. If you do see kayakers, it's
14 probably on the weekend, and they are fair weather,
15 July-August. You don't see them in the springtime. I
16 mean, the duck hunters go back there.

17 MS. RAMONA TROVATO: Did you ever see that
18 school group that is out there?

19 MR. DANIEL RODRIGUEZ: They are in Days
20 Cove. I have never had any issues. I have seen them.
21 I have never had any issue with them.

1 MS. RAMONA TROVATO: You don't get near
2 them?

3 MR. DANIEL RODRIGUEZ: No. I have seen
4 them, but I have never had problems. I see them out
5 there when I am running back there. I just stay wide,
6 and stay on plane, because it is less of a wake. It is
7 just bad to take the whole resource away from everybody
8 that has enjoyed it, and kids that want to learn how to
9 bass fish. The place is loaded with fish. Kids learn
10 how to fish back there. It is just something that
11 needs to be changed the way I see it. So, thank you.

12 MS. RAMONA TROVATO: Thank you, sir.

13 CHAIRMAN AMY CRAIG: Any other questions
14 from the Committee? Thank you. Mr. Palmer, I think
15 you signed this one, as well. Did you want to speak?

16 MR. ROBERT PALMER: No.

17 CHAIRMAN AMY CRAIG: Any other people
18 willing to speak for the regulation? Okay. Thank you.
19 We will move on to those opposing the regulation. Bill
20 Temmink? Can you spell it for the --

21 MR. BILL TEMMINK: Yes.

1 CHAIRMAN AMY CRAIG: Thank you.

2 MR. BILL TEMMINK: It is Bill Temmink,
3 T-e-m-m-i-n-k. I live pretty much at the mouth the
4 gate of Mariner Park. I have two kayaks, a bunch of
5 fishing rods. Here is the basic schtick. I probably
6 need the map to show you. Mariner Point Park is
7 basically here. The ramp is here. They put a kayak --
8 there has been a kayak ramp here. It wasn't enough to
9 accommodate the kayak traffic. It has probably
10 increased five fold. I have been there about 15 years
11 now. They are now putting another kayak ramp in. This
12 is not in the area that they are talking about, but
13 everybody who comes in this way, everybody that comes
14 in this way, goes this way. You go around the bend.
15 Very few people fish back in here except from their own
16 piers. Some people fish on the shore behind the
17 church. The people come around this whole area inside
18 the bridge. Very few people go out to the railroad
19 bridge on a kayak or canoe. If they have a Jon boat,
20 they might go out there. Most people are fishing in
21 the back and kayaking in the back. The whole area is

1 only about a mile by a mile. There is really no need
2 for speed. You can cross at 6 miles an hour in 8
3 minutes or so or 10 minutes, I guess, but even at that
4 speed, it will still take you two minutes. So, it is
5 an 8-minute difference. I want to comment a little bit
6 on the notice because as a kayaker, I don't think we
7 are on -- we are not in the queue where you send the
8 information. I just found this out. Somebody called
9 me. Kayakers don't have to get laws. Really, I have
10 never seen any laws about kayaking. We don't get
11 notices of changes of anything. So, I would suggest
12 for future purposes, if you would post the hearing in
13 the neighborhoods where the changes are being made, and
14 this was not done. I just think you have to put some
15 of the notifications on land. Also, I think -- I
16 understand Middle River was the big hearing here, so
17 that is why that is here, but the hearing should have
18 been in Loreley Beach or in Joppatowne.

19 Small versus big. The area is small, it is
20 narrow, it has cuts, turns, changes, it has got logs.
21 If you are going fast, you are in trouble. If you are

1 a little boat, and somebody is going fast, and they
2 don't see you, you are in more trouble. If you are a
3 big boat and you are going fast, I understand that
4 maybe you can't get in there unless you are going 35
5 miles an hour and you are on plane. That is scary for
6 us. But the other thing is, there is a whole big range
7 between 6 and 35. There is a whole bunch of people.
8 There are a bunch of people going in there 10 or 12
9 miles an hour. They are creating wakes. I have had
10 people drunk. I don't think they were trying to run me
11 over, but they just wanted to see how much they can
12 shake me up. Okay?

13 Erosion. We have already mentioned that
14 the Little Gunpowder used to go into the quarry. I
15 don't know that it was boat traffic that caused the
16 erosion, but the Little Gunpowder now goes right
17 through the quarry, because it broke down the banks.

18 THE SPEAKER: It was beavers.

19 CHAIRMAN AMY CRAIG: No comments from the
20 audience, please.

21 MR. BILL TEMMINK: The area that has a

1 little pond behind Days Cove, maybe it is because of
2 global warming, maybe it is because of floods, maybe it
3 is because of erosion, but, basically, that broke down,
4 too. This little spit, here, this is 6 miles an hour.
5 Now, you can walk across it. They have done a cut
6 through. There is nothing there to stop you. The
7 people put their kayak out and carried it across.
8 This area is eroding already. I would make a case -- I
9 think the bass fishermen almost made it for me. This
10 is a great place. I am a bass fisherman. I do it from
11 a kayak.

12 This railroad bridge, I don't think it was
13 its intent, but it accidentally created a fairly safe
14 spot for people in canoes, and kayaks, and inflatable
15 boats, and little aluminum boats. I think it should be
16 preserved. I think it is one of the reasons Joppatowne
17 is what it is and why kayak fishing is increasing so
18 much. I talked to the fire and police department,
19 volunteer fire department in Harford County. They said
20 they can't get anybody in there. If you have an
21 accident in there, it is not a question of speed.

1 There is really not even a hospital in Harford that can
2 take any more people. You have to go to Cecil or back
3 down into Baltimore City. I am just telling you, I
4 talked to them last night.

5 CHAIRMAN AMY CRAIG: Please address the
6 Committee.

7 MR. BILL TEMMINK: If you are a bass
8 fisherman, if everybody is going 6, that is the same as
9 if everybody is going 35. Maybe you have a few less
10 fish in the course of the day, but it is still just as
11 fair if you enforce the law.

12 Economics, I would make a case there is
13 probably more economics from Dick's, and Walmart, and
14 West Marine than there is from the big boats. I
15 understand if you are a marina, you favor the big
16 boars. We launch an awful lot of kayaks, and canoes,
17 and little Jon boats. As far as I can tell, everybody
18 in the neighborhood has one of them. I understand it
19 makes sense to think about this. They have a right to
20 request it. I just think it is ridiculously insane.
21 There is just not enough room to brake at 35 miles an

1 hour when you come around one of these little cuts, and
2 the little cuts are where people fish. Where the water
3 flows and right where it dead ends, you are not going
4 to see somebody at 35 miles an hour. There is fog in
5 the morning. A lot of times, there is logs and fog.
6 The weather has changed since I have been here. We
7 have those big floods every so often. You get a new
8 log every couple of weeks with the new rains.

9 CHAIRMAN AMY CRAIG: Thank you, sir. Any
10 questions from the Committee? Thank you. Sorry, John.

11 MR. JOHN PEPE: Bill, just looking at this,
12 in your opinion, because I listened to what you were
13 saying, do you think that leaving the Little Gunpowder
14 as it is right now, as it flows on the outer loop, and
15 leaving that as 6 knots and the way these guys
16 requested to have an entrance into Days Cove, do you
17 think that is a good compromise, or do you think this
18 whole thing should be 6 knots?

19 MR. BILL TEMMINK: I will tell you that I
20 have only kayaked this far. I don't know if there is
21 an entrance this way. I know the water is much bigger

1 over here, but people come through this way. I think
2 in here, it should all be 6 knots.

3 CHAIRMAN AMY CRAIG: Any other questions
4 from the Committee? Thank you, sir. We have Barbara
5 Risacher. Can you spell --

6 MS. BARBARA RISACHER: Barbara,
7 B-a-r-b-a-r-a, Risacher, R-i-s-a-c-h-e-r. I have lived
8 in Joppatowne longer than 40 years. I hike in the
9 Gunpowder Park, which is all around down at the end of
10 the Gunpowder Falls, and I have kayaked in this area.
11 I do go up into the creek. I go up the Little
12 Gunpowder and the Big Gunpowder. I was out there a
13 couple of weeks ago. It was October. Imagine that,
14 kayakers in October. It was beautiful, but the thing I
15 will tell you is, one of the reasons this is such a
16 lovely place for kayakers is there aren't fast motor
17 boats around to disturb the tranquility, or make you
18 worry about somebody driving carelessly in the water.
19 I usually do use the Cordish to not have to go all of
20 the way around the end to come back up into the Little
21 Gunpowder. This is actually not the canal, it's the

1 Little Gunpowder. It was changed when the dredge pond
2 guy broke the wetlands law and dredged through from his
3 dredge ponds into the Little Gunpowder. What happened
4 that made the Little Gunpowder flow through the little
5 dredge ponds -- and I know this because I used to hike
6 over there, and I still hike over there when you can
7 get through the invasive species. There was a family
8 of beavers that built a dam that closed up the regular
9 Little Gunpowder. So, it had to come in. It made a
10 trip through the dredge ponds. What is happening up
11 there and what makes me really worry for the safety of
12 people who don't know the area, but who want to come up
13 there at 35 knots, it can be very dangerous. Every
14 storm changes the silting in. In some areas, like, the
15 area from the dredge pond over to the Big Gunpowder is
16 now almost totally blocked. It's very shallow at
17 times, but, now, there is only a very narrow channel
18 that you can get through there. Many areas change
19 after storms. Also, coming down the Big Gunpowder,
20 many huge, big trees die, fall into the water, and are
21 carried downstream. Only portions of them are sticking

1 out of the water. So, if someone who is a bass
2 fisherman from Pennsylvania or whenever they come in
3 for these tournaments think they are going to head up
4 that river at 35 knots to get into a good fishing spot,
5 they may find themselves dangling on a tree or in the
6 water up there. It makes it less enjoyable for those
7 of us who like to kayak quietly in the wilderness.
8 That's a sport. That's part of being in nature and we
9 like to enjoy that, too.

10 I agree with Bill, we talked to the fellows
11 who run emergency management in Harford County. There
12 are no emergency boats in that area. You just spoke to
13 the guy from Natural Resources. They don't patrol up
14 there because it is too shallow. So, I think that 35
15 miles an hour is fine. I see bass fisherman out my
16 back window everyday on the island. I live on the
17 island. That's fine. I don't object to bass
18 fisherman. I don't think it is safe for them to have a
19 35 mile an hour speed limit up there. I don't think it
20 is fair to those of us who like to get out into nature
21 for lots of reasons besides catching fish. Thank you.

1 CHAIRMAN AMY CRAIG: Thank you, ma'am. Any
2 questions? Ramona?

3 MS. RAMONA TROVATO: So, when you look at
4 this chart, there is a lot of space up there for
5 kayakers to kayak quietly and placidly in the lovely
6 environment. Is there no room here for the bass
7 fishermen to also --

8 MS. BARBARA RISACHER: The bass fisherman
9 can come wherever they want. They work quietly in my
10 backyard all of the time. My problem is the speed to
11 get there.

12 MS. RAMONA TROVATO: So, based on what they
13 are telling us, they need that speed to get there
14 because of the depth of the water. So, are you
15 asserting that there is no room for this type of sport
16 at all in this type of environment or only your sport?

17 MS. BARBARA RISACHER: No, but I am saying
18 there is a safety risk.

19 MS. RAMONA TROVATO: To you or to them?

20 MS. BARBARA RISACHER: To them, as well as
21 to me. To everyone, there is a safety risk.

1 MS. RAMONA TROVATO: Okay. Thank you.

2 CHAIRMAN AMY CRAIG: Any other questions
3 from the Committee? Thank you. Anyone to speak
4 against the Proposal? Please state your name.

5 MR. NICK NICOSIA: My name is Nick Nicosia
6 and I am the one that started this. I live on the
7 quarry right around in there. I still live there. I
8 lived there since 1987, 32 years, and more and more
9 bass fisherman are coming back in there speeding. The
10 way they would get there is you would come down the
11 canal here, and, then, go back up this little canal,
12 and up in through here. Now, the problem we were
13 having, forget kayaks and canoes. I actually saw two
14 guys. One guy was on this little island right there,
15 one guy was sitting on the back of the island fishing,
16 and he was anchored, and the bass boat came in and sped
17 around him, and just about threw him out of the boat.
18 This guy waited for everything to calm down and he
19 motored over to this little area here, where this guy
20 was, and he started doing donuts around him he was so
21 mad at him. I could hear these guys hollering from my

1 house. They both picked up oars. They were actually
2 going to get into a fight. One guy is standing in each
3 boat to beat each other up with oars. That was just
4 one incident. They were coming back in there fast.
5 Some of the bass guys -- I am sure none of you guys --
6 I have seen bass guys go back there, not catch anything
7 3, 4, or 5 of the boats are there. They were going to
8 leave and they were going to make sure nobody else
9 caught anything. They would fly past them and throw
10 water all over them, just screwed up their fishing
11 area.

12 CHAIRMAN AMY CRAIG: Can you speak to the
13 regulation, please?

14 MR. NICK NICOSIA: Oh, I am sorry. So,
15 they actually did that to screw each other up with
16 fishing.

17 The main point last time was that this
18 little channel coming up through here, it is very
19 windy, and there was kayakers going up through here.
20 You go a shot distance and you can't see anyone. When
21 a boat comes around a corner flying -- so far, there

1 hasn't been any accidents, according to these guys.
2 Why wait until there is one? Sooner or later, there is
3 going to be one. Anyway, they had a film last time.
4 Joe Pepe --

5 MR. JOHN PEPE: John.

6 MR. NICK NICOSIA: You weren't at the last
7 one we had in Annapolis five years ago, were you?

8 MR. JOHN PEPE: I have seen the film.

9 MR. NICK NICOSIA: Were you in that?

10 CHAIRMAN AMY CRAIG: I do believe the video
11 was from Australia.

12 MR. NICK NICOSIA: This was not in
13 Australia. It was in this canal.

14 CHAIRMAN AMY CRAIG: We are talking about
15 this regulation request right now in the testimony
16 being presented.

17 MR. NICK NICOSIA: Anyway, there was a
18 video coming up through this canal, here, and they are
19 going 6 miles an hour. They measured the canals and
20 the canals were 30 feet wide. Like the DNR officer
21 said here before, he couldn't understand Middle River

1 down where is was a mile wide or half a mile wide, why
2 they have these restrictions. Back up towards Martin's
3 Lagoon, he could see it because it was so narrow. This
4 was even narrower than that. We are talking 30 feet
5 wide canals here. Some of these little canals are 30
6 feet wide.

7 CHAIRMAN AMY CRAIG: Can you put up the
8 chart with the actual requested area marked? The one
9 with the line.

10 CAPTAIN MIKE SIMONSEN: This is the area of
11 the request. Let me get you a different image. It
12 will just be in yellow.

13 MR. NICK NICOSIA: These canals are 30 feet
14 wide. How would you like a boat coming at you 40 miles
15 an hour and you are in a kayak or canoe. That is 30
16 feet wide. That is dangerous. That's part of this.
17 Whether it is shallow, if these guys want to go 80
18 miles an hour in their bass boats and hit something, go
19 flying up in the air, that is up to them. What about
20 the people who are in a kayak or a canoe where a boat
21 is coming 40 miles an hour? 35 knots is 40.25 of a

1 mile per hour. How would you would you like to be that
2 kayaker or canoe and come up here? Nobody is saying
3 these bass boats can't go fishing. I live on the
4 quarry. I fish off the Days Cove area. The fact the
5 Days Cover area is a pond back here was really an
6 accident. It was a fresh water pond and it broke
7 through. Now, people are going back there. Otherwise,
8 this Days Cove, we wouldn't be talking about this
9 today, because this is a shallow silted-in cove that is
10 full of hydrilla, mill foil, and wild celery. It is
11 very difficult to navigate in the summertime. I was
12 going up there a couple of times a year. It is
13 practically impossible to go up there. That is how
14 thick the grass is. Low tide, forget it, you can
15 barely pull that way out. It is difficult to get up in
16 early spring or fall before the vegetation grows in
17 there. You can get up in there, but I don't see any
18 reason why you can't go 6 miles an hour just in this
19 one little area. When you go in the river, you can do
20 80 miles an hour. Nobody cares. It is wide. It is
21 safe. If you want a place to go and get out of an area

1 to hide from these people, we have to deal with boats
2 going 40 miles an hour. So, that's my point.

3 CHAIRMAN AMY CRAIG: Any questions from the
4 Committee? Thank you, sir. Anyone else who would like
5 to speak against the regulation?

6 MR. BRIAN SCHNEIDER: May I make a comment?
7 I am not for or against. My name is Brian Schneider,
8 B-r-i-a-n S-c-h-n-e-i-d-e-r. I am a boat dealer. What
9 I see here is navigable water. I just want to bring to
10 your attention kayaks and canoes don't contribute any
11 money to the Waterway Improvement Fund. When these
12 gentlemen buy these big expensive boats, their excise
13 tax goes into the Waterway Improvement Fund, which keep
14 open navigable water. I just want to mention that.

15 CHAIRMAN AMY CRAIG: Thank you, sir. Any
16 questions from the Committee? Anyone else?

17 MR. JON SHELLER: What is your definition
18 of navigable water?

19 MR. BRIAN SCHNEIDER: Tidal water.

20 MR. JON SHELLER: That is not navigable
21 water.

1 MR. BRIAN SCHNEIDER: I classify it as
2 that. What it is in reality, I don't know. I just
3 wanted to stare that.

4 CHAIRMAN AMY CRAIG: Any other questions?
5 Thank you. Anyone else speaking against the proposed
6 regulations? Thank you all. Mike, you have a letter
7 from Joe Davis and you have spoken with him. Could you
8 summarize that for us? We will submit the letter into
9 the record. This is the letter I received.

10 CAPTAIN MIKE SIMONSEN: Madam Chair, I just
11 wanted to let you know, I was prompted by one of the
12 Boat Act Advisory Members to get a drone into the last
13 meeting, which I was able to get that clearance to get
14 one of our drones up there I got from our
15 communications staff. That was last Wednesday, a
16 perfectly still day. When I first came into Days Cove
17 Area, I came out of the mouth. You have heard in
18 reference there is the railroad tressel bridge. This
19 is the mouth of the river.

20 CHAIRMAN AMY CRAIG: We are talking about
21 the letter from Joe Davis. Can you just give us, like,

1 a two-sentence summary of the conversation?

2 CAPTAIN MIKE SIMONSEN: Sure. After these
3 day's events concluded, as we were leaving, when we
4 came into this facility, the education facility of the
5 Gunpowder State Park, I did see school buses in there.
6 The buses had left and I ran into a gentlemen by the
7 name of Joe Davis, who I had never met before. Again,
8 I don't have any preference on this. I am in a neutral
9 position. He wanted this, for the record, because he
10 could not be here today, clear and simple. He is with
11 the Baltimore County Public Schools Office of Science.
12 He is the Science Resource Director. He is vested with
13 11 years of experience intimately right here in Days
14 Cove. He oversees, approximately, 4,000 students and
15 over 500 teachers that come into this facility of the
16 grounds of Days Cove annually. Each year, he spends,
17 approximately, 120 days a year right in the Days Cove
18 Area. So, he intimately has good knowledge about it,
19 and where all of the water hazards are, and how they
20 move around based on storm surge, and things of that
21 nature.

1 On the back page, I just noticed getting up
2 to his opposition, that he has had encounters with bass
3 boats closing in. Although he can see them coming from
4 a long distance, he gets his canoes gunneled-up, but he
5 knows they are ignoring the existing speed limit that
6 currently stands. He said he can only imagine the
7 challenge to the threat of their program going on the
8 way they conduct their classes and courses, that the
9 proposed regulation would go into effect. That's it.

10 CHAIRMAN AMY CRAIG: Thank you.

11 Letter from Joseph Davis:

12 MR. JOSEPH DAVIS: I regret that I am
13 unable to attend the meeting to discuss the proposed
14 regulation change that would remove the 6 knot "All
15 Times" restriction and replace it with a limit of 35
16 knots from sunrise to sunset and limit the 6-knot limit
17 to sunset to sunrise. I have been running a
18 canoe-based ecology program for the Baltimore County
19 Public Schools Office of Science at Days Cove for 11
20 years. The program involves over 4,000 students and
21 500 teachers each year. The program runs from the

1 first week of September up to Thanksgiving, and, then,
2 again from April until the first week of June. In
3 addition, I run two weeks of summer teacher
4 professional programming at Days Cove. Each year, I
5 spend, approximately, 120 days on the water at Days
6 Cove with groups of 30 to 40 students. I spend another
7 20-30 days exploring the Gunpowder Delta on my own by
8 kayak scouting the area in preparation for programs and
9 conducting my own research. I believe that my years of
10 experience at Days Cove and intimate knowledge of the
11 aquatic system there provide a unique perspective of
12 the proposed regulation.

13 Prior to the opening of the Days Cove lake
14 to boating traffic in 2011, it was rare to have any
15 boats in Days Cove due to its shallow mud flats, and
16 unpredictable and changing depths caused by wind,
17 currents and flooding. Since 2011, I have witnessed a
18 gradual increase in the boating traffic and vessels
19 that attempt to traverse the shallow waters of the
20 cove, navigate submerged debris, and enter the lake to
21 fish. I was surprised to see boats enter the cove as,

1 in my experience, the shallow depths and the submerged
2 debris consistently present a significant safety
3 hazard.

4 As frontal systems move through, the cove
5 blows out and provides the opportunity for me to see
6 the extent of the extremely shallow mud flats and the
7 amount and position of submerged debris that includes
8 entire trees, large branches, lumber from destroyed
9 docks, and other rubbish. Since the land-based access
10 to the cove is closed to the public and access to the
11 cove by water during a blowout is impossible, very few
12 individuals ever see what's actually on the bottom of
13 the cove. I have that perspective from eleven years of
14 year-round observations.

15 Since boat traffic has increased, a narrow
16 J-shaped channel that has formed through the cove. I
17 have witnessed boats consistently ignoring the 6-knot
18 speed limit and crossing the cove on plane. The lower
19 units have cut a scar through the bottom and existing
20 beds of aquatic vegetation that has formed the channel.
21 The boats follow a similar route presumably by GPS,

1 and, also, by following large bamboo poles that are
2 driven into the bottom by boaters to provide visual
3 markers. During blowouts and after conducting yearly
4 surveys of the bottom and SAV beds in Days Cove on my
5 own and with students, it is clear that the channel is
6 not consistent and moves throughout the season and year
7 to year. In addition to the unpredictable nature of
8 the channel, large debris moves as well. Following
9 flooding in the Bird River and Gunpowder Rivers, I have
10 seen entire trees that find their way into the cove and
11 become lodged in the bottom. I have also observed
12 existing large submerged debris moving from one side of
13 the cove to the other. When the Gunpowder River is at
14 flood stage, debris from the flood plane is purged into
15 the lake and is then transported into the cove. I see
16 these submerged obstacles on a daily basis as I explore
17 the area with students. In my mind, the unpredictable
18 nature of the cove depths and presence of large mobile,
19 and neutrally buoyant debris that is not visible on the
20 surface present a significant danger to boaters
21 operating at any speeds above 6 knots. Since 2011,

1 each year I have witnessed boaters that have hit
2 submerged objects or have become stranded on the mud
3 flats. Tides at Days Cove can be extreme and are
4 heavily influenced by winds. I have witnessed boats
5 that have entered the lake late in the afternoon and
6 have been stranded until the next high tide later that
7 night or the next day.

8 In addition to the cove, the entrance to
9 the lake has also changed over time presenting hazards
10 to boats. After paddling the gut that connects Days
11 Cove to the lake, I have observed evidence that boaters
12 have cut away fallen trees and other obstacles on the
13 park property caused by the beavers in the area. I
14 have also observed boaters cutting trees in the area
15 and submerging them to create underwater structures for
16 fishing. Again, these collective behaviors and
17 obstacles present significant safety and ecological
18 concerns.

19 Finally, I have on several occasions had
20 groups of students and teachers on the water in canoes
21 and had boats pass us at close proximity while up on

1 plane. Although I can usually see the boats coming and
2 have time to gunnel-up the canoes, the boats and their
3 wake present a significant safety concern. Since boats
4 clearly and consistently have ignored the existing
5 speed limit, I can only imagine the challenge and
6 threat to our programming that the proposed regulation
7 would prevent.

8 The Days Cove Canoe-Based Ecology Program
9 is truly unique in that it allows students and teachers
10 to explore a pristine aquatic system that has been
11 largely spared by the significant impact that humans
12 have brought to other nearby aquatic systems. In
13 addition to the clear and present danger to boaters
14 operating at high speed, I would hate to see cause for
15 relocating or discontinuing our environmental programs
16 at Days Cove as a result of the approval of the
17 proposed regulation and subsequent risk to students.
18 Based on my eleven years of experience and intimate
19 knowledge of the Days Cove ecosystem, I believe that
20 both the human and environmental costs will far exceed
21 any benefits afforded by the increased speed limit.

1 I appreciate the opportunity to share my
2 perspective on the proposed regulation.

3 CHAIRMAN AMY CRAIG: Thank you. Go ahead
4 with the drone footage.

5 CAPTAIN MIKE SIMONSEN: Again, this is the
6 area that has been talked about. The entrance would be
7 coming into this area right here that would allow you
8 to go up the little river, where it comes into the big
9 part of Days Cove. Again, here is another angle.
10 Coming in here and keep on going up to here. This is
11 the big pattern of Days Cove, itself. This is, again,
12 coming in on the little river where it forked off and
13 came -- it is right to this area where they want it to
14 stop. You can see in the photograph, you can see the
15 shoaling, side shoaling again. This is the area I
16 believe the gentleman spoke earlier that he can take
17 this cut to make it up into what they call the quarry
18 pond, the back way in. Lastly, this is the entire
19 area. Back over here is where the ground is that is
20 managed by this gentleman that runs this program. It
21 is very organized. There is a rack in there with, at

1 least, 30 canoes. I can tell that it's well organized
2 from my own observation just because of all of the
3 safety equipment, everything, all of the oars,
4 everything is stacked very neatly. So, you can tell
5 there is somewhat of a production line of students
6 coming through, how organized it was from my own
7 observations. So, I do believe that there is a lot of
8 children that come in and out of this program. That is
9 all I can say on behalf of the letter that he submitted
10 to us.

11 CHAIRMAN AMY CRAIG: Okay. Anything else
12 with the photos?

13 CAPTAIN MIKE SIMONSEN: No, those are the
14 four that I have chosen for observation.

15 CHAIRMAN AMY CRAIG: Okay. Thank you. We
16 do not have an NRP Report because they find it
17 difficult to get in there.

18 CAPTAIN MIKE SIMONSEN: No. We did request
19 that they have one, but I don't believe they have an
20 officer that patrols this.

21 CHAIRMAN AMY CRAIG: Okay. Thank you. I

1 would like to thank everybody for their testimony. We
2 are going to now break for lunch. We will return in
3 about an hour. I hope to see you then. You are
4 welcome to stay. 45 minutes for lunch. We will be
5 quick. After lunch, we will be in Executive Session
6 for deliberations. You may observe, but cannot comment
7 unless called upon. Thank you.

8 (Whereupon, at 12:48 p.m., the public
9 hearing was concluded.)

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1 State of Maryland:

2 County of Baltimore, to wit:

3 I, Susan Kambouris, a Notary
4 Public of the State of Maryland, County of Baltimore,
5 do hereby certify that the within-named
6 personally appeared before me at the time and place
7 herein set out.

8 I further certify that the testimony was
9 recorded stenographically by me and this transcript is
10 a true record of the proceedings.

11 I further certify that I am not of
12 counsel to any of the parties, nor in any way
13 interested in the outcome of this action.

14 As witness my hand and notarial seal
15 this 25th day of Nov

16

Susan A. Kambouris

SUSAN A. KAMBOURIS

17

Notary Public

18

19 My Commission Expires:

20

May 17, 2021

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