

Maryland Department of Natural Resources

Boating Services Unit

BOAT NOISE PUBLIC HEARING

Proposed Boat Sound Limit Regulations

for Deep Creek Lake

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ROBERT P. GAUDETTE, Hearing Officer

The above-entitled matter came on for public hearing on Thursday, May 26, 2011, commencing at 6:02 p.m., at the Deep Creek Lake Discovery Center, 898 State Park Road, Swanton, Maryland.

A P P E A R A N C E S

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P R O C E E D I N G S

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THE HEARING OFFICER: First of all, everybody, welcome. My name is Robert Gaudette. I am Director of Boating Services for the Maryland Department of Natural Resources. I will be the Hearing Officer tonight for the proposed DNR boat sound limit regulations for Deep Creek Lake.

At this time now, if everybody would please turn off your cell phones and other communication devices or switch them to vibrate.

Before taking your testimony, I have a brief introduction and statement. I would appreciate if you would listen closely to this introduction and not interrupt me during this statement.

The Department of Natural Resources is responsible for overseeing boating regulations for the State of Maryland. There are existing state statutes and regulations that apply to noise levels for boats.

1                    Subsection 8-704(h) of the Natural  
2 Resources Article provides the legal authority  
3 to the Department to establish sound level  
4 limits for the operation of pleasure craft.  
5 This provision requires the Department to hold  
6 a public hearing if proposing to establish sound  
7 level limits for boats, that these sound limits  
8 be adopted by DNR with the endorsement of the  
9 Maryland Department of the Environment, and that  
10 DNR adopt regulations and enforce these sound  
11 level limits in accordance with accepted methods  
12 for measuring sound.

13                    Subsection 8-725.4 provides detailed  
14 noise level limits for vessels, along with  
15 provisions for exceptions, enforcement, and  
16 penalties, including allowing DNR to adopt  
17 regulations that establish noise limitations  
18 for enforcement purposes that are in addition  
19 to the permitted noise levels. The Code of  
20 Maryland Regulations, Title 8, Subtitle 18,  
21 Section 08.18.03.00 through 08.18.03.9999 also

1 include detailed provisions regarding noise  
2 level limits for vessels operating in state  
3 waters.

4 Subsection 8-704 also includes a  
5 provision that establishes an advisory committee  
6 on matters pertaining to proposed boating  
7 regulations to the Secretary of the Department  
8 of Natural Resources. This citizens committee  
9 is appointed under Section 08.04.02.01 as the  
10 Maryland Boat Act Advisory Committee. The  
11 committee is comprised of 21 members of various  
12 backgrounds and knowledge of, and demonstrated  
13 interest in, the operation and equipage of  
14 boats. Several of the members are also waterfront  
15 property owners.

16 The existing maximum sound level for  
17 vessels operating in Maryland waters is 90  
18 decibels on the "A" scale. The method used by  
19 Maryland to measure noise levels for boats is a  
20 stationary noise test, SAE-J2005. Sound level  
21 meters used by DNR must meet the American National

1 Standards Institute standard for sound level  
2 meters.

3 The operator of a sound level meter for  
4 enforcement purposes must be a Natural Resources  
5 police officer who is qualified and trained to  
6 use sound level meters. If a vessel is equipped  
7 with a muffler bypass device, the sound level test  
8 must be taken with the device set at the highest  
9 possible producing decibel level.

10 A "muffler" is defined as an exhaust  
11 system installed above or below the water line  
12 and a device that is capable of reducing the  
13 noise from the engine to levels that meet the  
14 noise level limits established by DNR. A person  
15 may not operate a vessel on the waters of the  
16 state manufactured after January 1990 that is not  
17 equipped with a muffler or system which muffles or  
18 suppresses engine noise to the established maximum  
19 noise limits.

20 In 2008, DNR received a petition from  
21 local residents in the Elk River area to amend

1 DNR's boat noise regulations. Four public  
2 meetings were held by the Maryland Boat Act  
3 Advisory Committee regarding this proposal,  
4 including one at Deep Creek Lake that was  
5 held on December 4, 2008, here at the Discovery  
6 Center. The majority of the respondents wanted  
7 some action to lower boat noise.

8 It was the decision of DNR at that time  
9 to pursue these changes through legislation. In  
10 January 2010, DNR introduced State Bill 70 to  
11 lower the sound limit for boats operating on all  
12 state waters from 90 to 88 decibels, require a  
13 constantly operating and functioning muffler or  
14 device that suppresses engine noise, and to not  
15 allow the use of a device that would bypass,  
16 reduce, or eliminate the effectiveness of a  
17 muffler or engine noise suppression system.

18 That legislation was spurred in part by  
19 noise complaints received by DNR from this area  
20 and the northeastern portion of the Chesapeake  
21 Bay. A letter was sent to members of the Maryland

1 General Assembly from the Property Owners  
2 Association of Deep Creek Lake supporting this  
3 proposed legislation. The bill did not pass the  
4 Maryland General Assembly.

5 DNR is now pursuing regulations that  
6 will address boat noise in locations that receive  
7 the highest number of boat noise complaints.  
8 These locations include Deep Creek Lake, as well  
9 as the northeastern portion of the Chesapeake Bay,  
10 the hearing of which was held on May 24, 2011.

11 Proposed regulatory changes will be made  
12 to the statewide boating regulations as desired by  
13 the Deep Creek Lake Policy & Review Board. The  
14 proposed changes were supported by the Board at  
15 their February 7, 2011 meeting.

16 The proposed new sound limit regulations  
17 are as follows, and you have a copy of these:

18 What is currently in the regulations  
19 under 08.18.03.03 is that, "A person may not  
20 operate or give permission to operate a vessel  
21 on the waters of the state that emits a maximum



1 level exceeding 90 decibels."

2           What has changed, in italics, is, "On  
3 the waters of Deep Creek Lake and from the mouth  
4 of the Northeast and Elk Rivers to include all  
5 tributaries, including the Bohemia River and  
6 the C&D Canal, a person may not operate a vessel  
7 in such a manner to exceed the following levels,  
8 vessel noise levels: For engines manufactured  
9 before January 1, '93, the maximum noise level may  
10 not exceed 90 decibels. For engines manufactured  
11 on or after January 1, 1993, the maximum noise  
12 level may not exceed 88 decibels," again on the  
13 "A" scale.

14           Under 08.18.03.08, under "Mufflers,"  
15 it currently states, "A person may not own,  
16 operate, or give permission to operate on the  
17 waters of the state a vessel manufactured after  
18 January 1990 that is not equipped with a muffler  
19 or system which muffles or suppresses engine noise  
20 to the established limits in Regulation 0.03 of  
21 this chapter."

1                   And then what's new is, in addition is,  
2       "On the waters of Deep Creek Lake and from the  
3       mouth of the Northeast and Elk River to include  
4       all tributaries, including the Bohemia River  
5       and the C&D Canal, a vessel must operate with  
6       a continuous muffler or noise suppression system  
7       and may not operate a device that bypasses,  
8       reduces, or eliminates the effectiveness of a  
9       muffler or engine noise suppression device or  
10      system."

11                   Of course, the areas impacted by these  
12      regulations will include the northeastern portion  
13      of Chesapeake Bay and Deep Creek Lake, and we're  
14      just going to leave this up because this shows  
15      both, including the entire lake. (Indicating)

16                   There is a reason why 88 decibels was  
17      selected by DNR as the maximum sound level for  
18      engines manufactured after January 1, 1993.  
19      First, this sound level is proposed in the  
20      Model Act for Motorboat Noise by the National  
21      Association of Boating Law Administrators and has

1       been endorsed by the National Marine Manufacturers  
2       Association. This means that the majority of  
3       boats should be able to meet the proposed sound  
4       level requirements. The stationary noise test,  
5       SAE-J2005, will continue to be used by DNR.

6               I will quickly review the decibel or how  
7       the decibel scale works. The decibel scale is a  
8       logarithmic unit, meaning that it is not a linear  
9       percent scale. Every 10-decibel increase in sound  
10      is a ten-fold increase. So a sound intensity of  
11      20 decibels is not twice as loud as 10 decibels  
12      but is 10 times as loud. A sound of 30 decibels  
13      is 100 times as loud as 10 decibels. A sound of  
14      50 decibels would be 100,000 times as loud.

15             The Model Act for Motorboat Noise also  
16      supports not using a muffler bypass or cutout  
17      device that reduces the effectiveness of any  
18      muffler or muffler system on a boat. Although  
19      Maryland requires a muffler or noise suppression  
20      system on a boat, on boat engines manufactured  
21      after January 1, 1990, it does not require a

1 continuous muffler or noise suppression system.  
2 It is believed that this requirement will greatly  
3 reduce engine noise from boats using Deep Creek  
4 Lake.

5           The purpose of this public hearing is to  
6 accept testimony and information from the public  
7 regarding these proposed boat noise regulations.  
8 You will be providing testimony or information  
9 this evening directly to me as the Hearing Officer  
10 for this proceeding. I will not debate with  
11 anyone on testimony. That is not the purpose  
12 of a public hearing. This is your opportunity  
13 to let the Department know how you feel about  
14 the proposed regulations. I may ask specific  
15 questions to help me understand or clarify your  
16 comments or any information provided to me by  
17 you at this hearing.

18           During this proceeding, everyone in  
19 attendance will treat me, other DNR employees  
20 and all other attendees with the utmost respect  
21 and courtesy. The hearing shall be civil and

1       devoid of any personal attacks or comments,  
2       including booing, clapping, or derogatory actions  
3       of any kind. Interrupting someone's testimony  
4       is strictly prohibited. We would just ask that  
5       everybody be courteous, and we certainly don't  
6       want to be in a position where someone would  
7       have to be escorted out of this proceeding by  
8       the Natural Resources Police.

9               At this time, I would like to review the  
10       ground rules for this evening's hearing. Anyone  
11       wishing to speak at tonight's hearing shall use  
12       the sign-up sheets in the back, which I think  
13       you've done. Please include your name, address,  
14       phone number and email address on the sign-up  
15       sheet. Those who wish to speak should check the  
16       box on the sign-up sheet. If time permits, those  
17       who did not sign up may be able to testify. If  
18       time does not allow for this, then you may submit  
19       written comments to the Department during the open  
20       record time period.

21               All oral testimony this evening is being

1 recorded by a court stenographer. The order of  
2 those testifying will be taken in order as listed  
3 in the sign-up sheets. No individual will be  
4 allowed to testify more than once at this hearing.  
5 If you want to make additional comments after you  
6 testify, you can submit those in writing to DNR  
7 during the open record time period.

8 All people testifying must clearly state  
9 their name for the record. The stenographer may  
10 also ask you to spell your name.

11 The maximum time allowed for testimony  
12 will be three minutes per individual. You may  
13 also appoint a single person to speak for a group,  
14 such as a valid community or association, provided  
15 that you identify the group you are representing.  
16 In this case, a group speaker may have up to ten  
17 minutes to testify. I will give you a warning  
18 when you are approaching your time limit.

19 If someone provides testimony that is  
20 similar or the same of what you were planning to  
21 say, you can simply indicate to me -- this to me

1 when your time -- when it's your time to testify.  
2 If you signed up to testify and decide not to do  
3 so, just simply stand up when I call your name  
4 and say "No testimony" or "Pass."

5 All testimony shall be directed only to  
6 me and the court stenographer. All questions or  
7 discussions will be conducted strictly between  
8 me and the speaker testifying. Testimony must  
9 be relevant to the topic of tonight's hearing,  
10 the proposed boat noise regulations, as I have  
11 described.

12 The official transcript for this public  
13 meeting will be posted in approximately two weeks  
14 on the Department of Natural Resources website.  
15 After completing this hearing, the record will be  
16 held open until June 27, 2011.

17 Written comments or other supporting  
18 documents and information can be sent to the  
19 Department by fax to (410) 260-8453, by email  
20 to [mgrant@dnr.state.md.us](mailto:mgrant@dnr.state.md.us) or by U.S. Mail to  
21 Mr. Mike Grant, Boating Regulations Coordinator,

1 Maryland Department of Natural Resources, Boating  
2 Services Unit, Tawes State Office Building E-4,  
3 580 Taylor Avenue, Annapolis, Maryland 21401.

4 In order to be included in the record,  
5 written comments must be received by no later than  
6 4:30 p.m. on June 27, 2011. The specific DNR  
7 website for these transcripts, its instructions  
8 for where to send written information to DNR is  
9 available on the handout in the back of the room  
10 which you all should have picked up.

11 Following this hearing, the open record  
12 period -- and the open record period, the final  
13 proposed regulations will be published in the  
14 Maryland Register. Instructions will be provided  
15 in the notice on how to submit comments on the  
16 proposed final regulations.

17 Okay. Does anyone have any procedural  
18 questions on how we're going to operate tonight?

19 MR. KING: Not exactly procedural, but  
20 would you describe a little bit about where the  
21 decibel reading is taken and what --



1                   THE HEARING OFFICER: Okay. It's called  
2 the stationary test, and basically it's taken at  
3 idle, approximately three feet back from the stern  
4 of the boat, approximately three feet off the  
5 water, and they follow -- all their meters have  
6 to be calibrated, and that's the most standard  
7 test used in this country and is most accepted by  
8 courts in Maryland for noise tests.

9                   MR. KING: Thank you.

10                  THE HEARING OFFICER: Okay. If there is  
11 no more questions, let's go ahead and begin taking  
12 testimony.

13                  MR. HOFFEDITZ: I have a procedural  
14 question.

15                  THE HEARING OFFICER: Okay. Go ahead.

16                  MR. HOFFEDITZ: The question is, this is  
17 just to get the information? The DNR will make a  
18 decision at a later point in time?

19                  THE HEARING OFFICER: What happens is,  
20 is we have proposed a regulation at this point in  
21 time. It's unofficial. It's just a proposal.

1           We get public comments, and we will keep  
2     the record open until June 27th, and then I will  
3     present any recommendations, or any comments we've  
4     had, we will consolidate those, give those to the  
5     Secretary of the Department of Natural Resources;  
6     and then he will make a final determination on  
7     what the proposed regulation will be. Then he  
8     will put that in the Maryland Register.

9           Once it goes in the Maryland Register,  
10    it becomes an officially proposed regulation. It  
11    would be similar in the federal government when  
12    it goes in the Federal Register; but once it goes  
13    in the State Register, it becomes an official  
14    proposed regulation, and that's the formal, the  
15    formal process of getting the final comments on  
16    what the final proposed regulation is by the  
17    Department.

18           MR. HOFFEDITZ: When does -- when will  
19    it take effect?

20           THE HEARING OFFICER: It's about a 45 to  
21    60 day process altogether. You're not going to

1 see anything this summer. The goal is to have it  
2 all done this summer so it will be completely in  
3 effect for next summer.

4 MR. NICKEL: If you decide to make any  
5 changes to these proposed, do you have to still  
6 hold another public hearing?

7 THE HEARING OFFICER: No, we just go  
8 ahead and put them straight in the Register, and  
9 we'll put on our website exactly, you know, when  
10 it comes out and everything. We'll let people  
11 know here too.

12 Yes, sir.

13 MR. THORN: This is kind of a procedural  
14 question, but did you just say that the proposal,  
15 as it is written, is going to go forward no matter  
16 what we say today?

17 THE HEARING OFFICER: No, no, absolutely  
18 not.

19 MR. THORN: What are you saying?

20 THE HEARING OFFICER: This is basically  
21 a proposal of what we would plan to propose

1 currently. What we're doing is we get public  
2 comments --

3 MR. THORN: Uh-huh.

4 THE HEARING OFFICER: -- and that  
5 could always be amended, because what will happen  
6 is, is when we get all the comments in -- and we  
7 have comments not only from this public hearing,  
8 but also from the previous public hearing we had  
9 a couple days ago in the northeastern part of  
10 the bay in Cecil County -- I will compile that  
11 information for the Secretary, and then he will  
12 make the final decision on what the final proposed  
13 regulation will be that goes in the Register.

14 MR. THORN: Okay. Thank you.

15 THE HEARING OFFICER: Okay.

16 MR. LOVE: Are you able to answer any  
17 questions about the content?

18 THE HEARING OFFICER: Go ahead.

19 MR. LOVE: On the second section  
20 regarding mufflers --

21 THE HEARING OFFICER: Yes.

1           MR. LOVE:  -- the first sentence talks  
2           about vessels manufactured after January of 1990.

3           THE HEARING OFFICER:  Correct.

4           MR. LOVE:  Does the proposed language  
5           address all vessels or vessels -- or just vessels  
6           manufactured after January 1990?

7           THE HEARING OFFICER:  Well, after January  
8           1990, the current, it states you have to have some  
9           type of muffler system.

10          MR. LOVE:  Right.

11          THE HEARING OFFICER:  What we're saying  
12          then is, the -- yes, it would be for all  
13          vessels, basically using the creed that are  
14          not manufactured after that date, correct.

15          MR. LOVE:  So that the second sentence  
16          would not apply to a vessel that was manufactured  
17          prior to January 1990?

18          THE HEARING OFFICER:  That's correct.  
19          That's actually in the law, as well as in the  
20          regulation.  Why that is, I'm not a hundred  
21          percent sure.

1 MR. LOVE: Okay. I appreciate that.

2 THE HEARING OFFICER: More than likely,  
3 when these regulations were put into effect and  
4 the statute was put into effect, there was a lot  
5 of input from the National Marine Manufacturers  
6 Association, so my guess is that's where that date  
7 came from.

8 That's the reason also why we have the  
9 noise level limits for the 90 and 88 decibel,  
10 because when the Boating Law Administrators put  
11 together the Model Act, they wanted me to get  
12 input from the National Marine Manufacturers  
13 Association to say "can this work," and that's  
14 when they jointly came up with this and agreed  
15 upon them.

16 MR. LOVE: Very good. Thank you.

17 THE HEARING OFFICER: Okay.

18 Okay. Let's go ahead and begin with  
19 Mr. Charles Thorn.

20 (Mr. Thorn handing photograph.)

21 THE HEARING OFFICER: Thanks.

1                   MR. THORN: I would like you to have a  
2 picture -- can you pass that up, Chuck. Keep  
3 one for yourself. (Handing) Just pass these out.  
4 I've only got a few of these pictures. This is a  
5 sign that you've all seen. You can hear me okay,  
6 right?

7                   THE HEARING OFFICER: Let's go ahead and  
8 make this an exhibit.

9                   (Whereupon, a photograph was marked  
10 Exhibit No. 1 and admitted into the record.)

11                   MR. THORN: That's a picture we've all  
12 seen. It's on the entry to Oakland City. It  
13 has a sign that says truckers have to have some  
14 standard mufflers, no modified mufflers. It's  
15 one of the concerns we have in the area for noise.  
16 We have a lot of concerns in the Oakland area  
17 with noise.

18                   If you go to a theatre and you make  
19 noise, somebody on the theatre staff is going  
20 to --

21                   THE HEARING OFFICER: Hey, Charles --

1 MR. THORN: Yeah.

2 THE HEARING OFFICER: -- you want to just  
3 talk to me up here.

4 MR. THORN: Okay.

5 THE HEARING OFFICER: I'm the one that  
6 is making the decision --

7 MR. THORN: All right.

8 THE HEARING OFFICER: -- or the  
9 recommendation.

10 MR. THORN: If you go to the theatre  
11 and you're making noise, the theatre staff has  
12 the authority to ask you to be quiet or they  
13 have the authority to escort you out.

14 Vacation parties, they come for  
15 vacations, they rent a big house, they have  
16 a great time, reunions and whatnot, and they  
17 make a lot of noise. If that's a problem for  
18 the neighbors, they just call the police, and  
19 they go to the house and they settle the issue.

20 Fireworks make a lot of noise. They're  
21 very well-regulated. You can't -- you can't shoot



1 off fireworks unless it's a specific time and a  
2 specific type of fireworks.

3 All these things make noise and all of  
4 them are regulated, except the boat noise, and the  
5 boat noise requires a dB meter. I think we all  
6 have a problem understanding why they have to have  
7 this kind of regulation to determine if somebody's  
8 boat is obnoxious.

9 And the dB readings, the requirements  
10 of the dB meters, from what I remember, hasn't  
11 changed a whole lot from what we have had before;  
12 and always the problem is, if you're going to  
13 measure a boat idling at the dock, it's not going  
14 to be the same noise you have when they're gunning  
15 it down the cut, racing.

16 So it doesn't seem to me that we've seen  
17 much of a change, and I think the big problem that  
18 I always see -- and I've been here for 15 years --  
19 is the enforcement. I don't see any change in the  
20 enforcement. We have, in the past, called the DNR  
21 attention to noisy boats, and they've told us,

1 "Well, we have to know what dock they come from."

2 I have chased Aero boats to their dock,  
3 got their number, and did put one guy down; but  
4 the -- all this of the enforcement shouldn't be on  
5 the residents. We need to have maybe more people,  
6 but I think we have to have some different way to  
7 measure a noise that is bothersome without being  
8 so restrictive with technology.

9 THE HEARING OFFICER: Okay.

10 MR. THORN: We've only got about twelve  
11 boats on the lake, I think, that really make a lot  
12 of noise, and they know who they are; and we're  
13 going to start hanging signs on our dock, "You're  
14 Too Noisy," so that they know we know who they  
15 are --

16 THE HEARING OFFICER: Okay.

17 MR. THORN: -- but I think the  
18 enforcement agency has got to be interested.

19 THE HEARING OFFICER: All right. Thank  
20 you very much, Charles.

21 Ed ... is it Kinney?

1 MR. KING: King.

2 THE HEARING OFFICER: Can you spell that  
3 for me.

4 MR. KING: K-I-N-G.

5 THE HEARING OFFICER: K-I-N-G. Oh, King,  
6 King, King.

7 MR. KING: I don't write very well.

8 THE HEARING OFFICER: That's okay.

9 MR. KING: I am a real estate person.

10 THE HEARING OFFICER: Thanks, Ed.

11 MR. KING: First of all, I would like  
12 to say who I am. I am Ed King, and I live right  
13 across the lake here. I'm a resident. I've also  
14 been here and worked on the Advisory & Review  
15 Committee since 1984. I even chaired that  
16 committee for a while. I have worked as a  
17 substitute on the Policy & Review Board quite  
18 a bit.

19 And I guess my summary is, yes, I think  
20 we ought to endorse this change; however, my  
21 comments are, it's not addressing what we need.

1 The reason I am endorsing it is, since 1984, we  
2 have had this problem, and we have said it time  
3 and time and time and time again and brought it  
4 to your attention, and the reason I am endorsing  
5 it is I am endorsing the fact that you have  
6 recognized that we have a problem.

7 Now, the reason it won't work is there  
8 is never, ever, ever -- and I emphasize -- a  
9 complaint on a boat at idle. The difference  
10 between the noise at 650 rpm and 4,000 rpm is  
11 significant, I mean significant, and that's what  
12 we're complaining about, the noise at 4500 rpm  
13 going down the lake.

14 These people do it in the evening when  
15 the lake is a little bit calm and the wind has  
16 dropped and there is fewer boats, and it shakes  
17 the crystal in your china closet. It's that loud.  
18 Now, that's the first part of your change. The  
19 88 decibel, yeah, it's going to help a little bit,  
20 but it doesn't address at high speed.

21 The muffler cutout is going to give these

1 people back here in the back room a real headache  
2 because they can't enforce it. If they identify  
3 the boat, like Charlie said, if the DNR gets  
4 there, the boat is probably gone. So they go  
5 to the dock and they give it the idle test in  
6 the first part of your regulation, and it probably  
7 passes; and if they do catch the boat, the guy  
8 just reaches up and disengages the cutout.

9 So thank you for addressing this or  
10 giving attention to Deep Creek Lake, but I don't  
11 think this is going to change anything. Again,  
12 I reiterate, yes, I think you ought to pass this.  
13 At least it's a nibbling at the problem, but it's  
14 not addressing it. Thank you, sir.

15 THE HEARING OFFICER: Thanks, Ed.  
16 Mr. Nickel.

17 MR. NICKEL: You need me to stand over  
18 here, I guess?

19 THE HEARING OFFICER: Yeah.

20 MR. NICKEL: Hello. To state my name is  
21 Bob Nickel, N-I-C-K-E-L, just like a coin. I am

1 the general manager of Bill's Marine Service. I  
2 am also a newly appointed member of the Boat Act  
3 Advisory Committee; was not on the committee when  
4 these two regulations were proposed.

5 I am representing, I guess, both sides  
6 of the field, as far as my customer base. I have  
7 those that are in favor, those that are opposed.  
8 I have no issue with what you're proposing.  
9 Only on the muffler side, I do have quite a few  
10 customers that have invested some serious money  
11 with the thru-hull cutout.

12 That being said, if you could somehow  
13 word it as a grandfather clause through the  
14 boating season. In particular, if you're going  
15 to enact this, make it effective to the 2011 or --  
16 or 2011 boating on, because there are people  
17 that -- we all know everything depreciates, but  
18 they take that out there, and maybe it's a 5 to  
19 6,000 dollar item that they put on that boat;  
20 they walk out the door, it depreciates, but you're  
21 asking -- you're even giving it more depreciation.

1 I just don't think that's fair to the consumer.

2 I don't have a problem. It's not a huge  
3 money-maker for me. It's an add-on that the  
4 customer likes, but I would really request that  
5 you -- we look at this and grandfather in there.  
6 I know we did the same thing with the length of  
7 the boats, on the length, they're grandfathered  
8 in there, but somehow the wording... Then it will  
9 suffice everything.

10 If we would have enacted this in 1984,  
11 we wouldn't be having this issue. So with that  
12 being said, I really encourage you to look at the  
13 grandfather date, so those people, we can have  
14 people happy on both ways --

15 THE HEARING OFFICER: Okay.

16 MR. NICKEL: -- and from a manufacturer's  
17 standpoint. I've got two boats over there with  
18 it on there because it helps the engine breathe  
19 better. You're hurting me.

20 THE HEARING OFFICER: Okay. All right.  
21 Thanks, Bob.

1                   Chuck ... Hoffendenz?

2                   MR. HOFFEDITZ: Hoffeditz.

3                   THE HEARING OFFICER: Spell that.

4                   MR. HOFFEDITZ: H-O-F-F-E-D-I-T-Z. I am  
5 a resident here, live in McHenry on the lake.

6                   I agree with everything Ed said, Ed King  
7 said. (Checking microphone)

8                   THE HEARING OFFICER: It's on.

9                   MR. HOFFEDITZ: I agree with everything  
10 Ed King said. I disagree with Bob in the cutouts  
11 though. I am totally against cutouts in any shape  
12 or form. There is a boat just a few doors down  
13 the lake from where I live that just gets out  
14 there and takes off and opens the cutout and it --  
15 it screams.

16                   I don't think you'll -- you're not going  
17 to solve the problem that we have, especially the  
18 one where these noisy boats hop on the lake, run  
19 from bridge to bridge Sunday evening after most of  
20 the people have gone home. I'm sitting out there  
21 on my deck trying to have dinner, and you can't



1 even hear your neighbor speak, sitting down right  
2 next to you. Thank you.

3 THE HEARING OFFICER: Okay. Thank you,  
4 Chuck. Mack Heather.

5 MR. HEATHER: My name is Mack Heather,  
6 and I am a full-time resident here on the lake.

7 We've been going over this for quite a  
8 few years, as was discussed earlier. A couple  
9 of things of interest, and Chuck found this out  
10 back in 2006, that in the state of Pennsylvania,  
11 Ohio, West Virginia, and Virginia, no cutouts are  
12 allowed. So, obviously, where are you going to  
13 come to use your boat ... Maryland. Also, in  
14 COMAR regulations, 08.18.35.05, which is Jennings  
15 Randolph Lake, which is partially in Garrett  
16 County, there is no cutouts allowed on that lake.

17 So what I would like to see, along with  
18 every one of the residents here that hear this  
19 noise -- the other day a boat went by, inside the  
20 house, air-conditioning on, TV on, and it still  
21 was too loud to hear the TV. So there is a loud

1 noise that vibrates off.

2 As far as the voting in the Senate, the  
3 Senate voted 43-to-1 to pass this regulation; the  
4 House voted 133-to-5 to pass this regulation; and  
5 one gentleman pulled this regulation. We would  
6 have had it on the Governor's desk at the eleventh  
7 hour on the last day of the Senate. Why was that  
8 bill ever pulled? And we wouldn't be at this  
9 meeting tonight if that bill had not been pulled.  
10 Thank you.

11 THE HEARING OFFICER: Okay. Thank you.  
12 And Mr. Gary Love.

13 MR. LOVE: No comment.

14 THE HEARING OFFICER: Okay. John  
15 Harkland or Halkin, Harlick?

16 MR. KARLIK: Karlik.

17 THE HEARING OFFICER: Karlik. I am all  
18 over the place on that.

19 MR. KARLIK: K-A-R-L-I-K.

20 THE HEARING OFFICER: K-A-R-L-I-K. I  
21 gotcha.

1                   MR. KARLIK: K-A-R-L-I-K. I guess I  
2                   didn't put it down...

3                   THE HEARING OFFICER: Oh, you are fine.  
4                   You're good.

5                   MR. KARLIK: All right. Thank you.

6                   My name is John Karlik. My wife and I  
7                   bought a cabin on the main part of the lake in  
8                   Thousand Acres in September 1988. We've -- our  
9                   kids have essentially grown up here, sailing,  
10                  waterskiing, and so forth.

11                  I sympathize with the comments from  
12                  Ed King and other people about excessive noise.  
13                  Since we have been here this period, since --  
14                  well, the summer of '89 -- we have seen more  
15                  larger boats on the lake. I think we've seen  
16                  the introduction of more cigarette boats, and  
17                  like the previous speaker said, frequently, on  
18                  a Sunday evening, when you're waiting for things  
19                  to calm down, you can hear a couple of cigarette  
20                  boats racing up and down the southern portion of  
21                  the lake.

1                   Our address is 1461 Shoreline Drive, at  
2                   Thousand Acres, so we're opposite what used to be  
3                   Holy Cross, which now is the reserve. It's a main  
4                   part of the lake, you know, and it's a popular  
5                   drag strip for boats.

6                   And I sympathize -- I'm disappointed  
7                   that legislation hasn't been passed to date, and  
8                   I sympathize entirely with the previous comments  
9                   that cutouts ought to be prohibited completely on  
10                  boats run on a lake. If I understand the way this  
11                  regulation is written, it says "may not operate a  
12                  device." That, the way I understand that, that  
13                  means you can't switch it on --

14                  THE HEARING OFFICER: Correct.

15                  MR. KARLIK: -- and if you switch it on,  
16                  you're liable to a fine or whatever. I would much  
17                  prefer to see that, in fact, the cutout devices  
18                  could not be installed at all. Thank you.

19                  THE HEARING OFFICER: Okay. Do we have  
20                  anyone else here who wishes to testify?

21                  (No response)

1 THE HEARING OFFICER: All right. I think  
2 everybody here has testified. Okay.

3 Well, at this point, I want to thank  
4 you for all your comments on proposed noise  
5 regulations. Again, you have until June 27,  
6 2011, to submit any further written comments  
7 to DNR. Again, I want to thank you for your  
8 testimony. Enjoy your summer, have a safe trip  
9 home, and this meeting is adjourned.

10 (Hearing concluded at 6:33 p.m.)

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CERTIFICATION OF NOTARY

I, SHERYL L. GASPARIK, RPR, Court Reporter and Notary Public, in and for the State of Maryland, do hereby certify that the foregoing proceeding was duly taken by me stenographically at the time and place and for the purpose therein mentioned, and that same is a true and accurate transcript of the proceeding indicated.

I certify that I am neither counsel for, related to, or employed by any of the parties to this action; and I further certify that I am in no way interested, financially or otherwise, in the outcome of this matter.

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SHERYL L. GASPARIK, RPR  
Notary Public - State of Maryland  
Commission Expires: December 13, 2012