

Transcript of
Maryland Boat Act Advisory Committee

Date: October 10, 2013 on Thursday

Phone: 1-866-337-6778

Fax: 410-268-7006

Email: corbinandhook@corbinandhook.com

Internet: www.corbinandhook.com



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MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Thursday, October 10th, 2013, commencing at 10:00 a.m., at the Cambridge Yacht Club, 1 Mill Street, Cambridge, Maryland , committee chairman, presiding.

COMMITTEE MEMBERS:

- | | |
|--------------------|-----------------------|
| Frederick Levitan | John Pepe |
| John Bush | Amy Craig |
| Robin Allison | Bob Lunsford |
| Bob McLean | Jon Sheller |
| Al Simon | Steve Kling |
| Christopher Parlin | Russ Dwyer |
| Ramona Trovato | Coles Marsh, Chairman |

- Mike Grant, State Liaison
- Mark O'Malley, Director of Boating Services

Reported by: Kelly A. Taylor

1 deliberations and discussions and you're perfectly
2 welcome to stay for that, but when you have your
3 time to testify to the committee look at the
4 committee and you will be recorded so state your
5 name when you come up and we'll take all of your
6 testimony very seriously, you know. We usually do
7 three minutes, but it's a small group here so if
8 you want five minutes that's okay too, you know, we
9 want to hear about that. When we finish lunch then
10 we'll go into deliberations as a committee and
11 you're welcome to stay but unless we ask you to
12 explain something, you know, then you're speaking
13 time has been done this morning. We will come up
14 with a recommendation to the secretary, that's our
15 mission, we recommend to the secretary of the
16 Department of Natural Resources. Every one of us
17 or volunteers, we're appointed by the secretary to
18 fill the positions with a resume to the secretary
19 and our experience on the water and that kind of
20 thing so we will make recommendations to the
21 secretary and then he gets the recommendation and

1 either says yeah or nay and if it's a nay then, you
2 know, we go further with that.

3 With that I would like everybody to go
4 around the table that are on the committee and
5 introduce themselves, if they would

6 (Members introduce themselves.)

7 (Staff introduce themselves.)

8 THE CHAIRMAN: Great, thank you everyone
9 coming here and especially thank you for coming in
10 today on kind of a rough day to leave Ocean Pines
11 with the water splashing all over, but thank you
12 for coming. We take your concerns very seriously
13 and I want you to know that most of the committee
14 have visited the site, so we, we certainly want you
15 to have time to tell us a little bit about, a
16 little more about that.

17 Mike, with that I think we're on to the
18 request.

19 MR. GRANT: On with the show.

20 THE CHAIRMAN: Excuse me, one minute, is
21 everybody able to hear without a microphone?

1 (Discussion held off the record.)

2 THE CHAIRMAN: Let's do the microphone,
3 I think that might help her out.

4 MR. GRANT: Good morning. The petition
5 request concerns the Marsh Islands at Pines Point
6 Marina and the Isle of Wight Bay down the coastal
7 bays of Ocean City. Signified by the yellow circle
8 here. The island area once was called Jenkin's
9 Point but over the years with erosion from storms
10 or vessels or for some reasons it's become two or
11 three separate islands. The area in red is the
12 requested area for a restricted zone for any
13 motorized vessel. This currently is a six knot
14 zone that runs from here all of the way out to here
15 and this entire area right here (indicating). They
16 would request this area be restricted to all
17 motorized vessel traffic over concerns for the
18 islands and the wildlife on the islands.

19 This is Jenkin's Point back in 1989
20 before Pines Point Marina here, Ocean Pines Marina
21 was here (indicating). Their concern is they get a

1 lot of traffic up and down the St. Martin and out
2 in Isle of Wight Bay and there is a marina here, so
3 they get an awful lot of traffic in here
4 (indicating), and folks tend to come down the St.
5 Martin and cut through here and get the fuel and
6 come back out again, so it's a shortcut rather than
7 coming all of the way around.

8 This is from our shoreline conservation
9 group, it lists particular shoreline changes over
10 the years. The areas in purple from the mid to
11 late 1800s. The red obviously from the 1925
12 through '45. The green up to '77 and then '78
13 through '98 yellow area s and of course that's when
14 Ocean Pines was created I guess about that time.
15 Little close up here, you can see that the extent
16 of erosion over the years to what it is right now.
17 Your chart for the area of course Isle of Wight Bay
18 is really shallow, it's four to six feet, you don't
19 have very big vessels going through there, you have
20 a lot of jet skis and a lot of pontoon boats and a
21 lot of vessels with outboards that are running the

1 area out here and it's a great area for recreation
2 and there is ton of rental areas across this area
3 and all of the way down the Isle of Wight, coastal
4 bay. The area here currently is a six knot all
5 time up the St. Martin in this entire area and the
6 Ocean Pines and Pines Point Marina. This is
7 looking northeast from Pines Point, here's the
8 break right here in the islands, formerly Jenkin's
9 Point and of course this is into Ocean Pines and
10 out here the Isle of Wight Bay (indicating).

11 This is a close up of the area. Now,
12 this year, the first year that our folks at hydro
13 put a six knot buoy right here (indicating) and I
14 think the petitioners will agree that has helped
15 some, it has slowed people down and made them aware
16 that this area is six knots as opposed to coming
17 through and there was no marking here except for
18 right here (indicating) and a little bit further up
19 which you'll see in the next slide. There is
20 another buoy out here at the entrance of the mark
21 and of course the channel, the earlier picture back

1 in this area over. Here's, here's the Pines Point
2 seawall and the west of the marina is off to the
3 right (indicating). And that's that. Any
4 questions from anyone?

5 By the way the two documents that you
6 have in front of you I believe you received a
7 mailing earlier with the one e-mail and the note of
8 two phone calls that came in over the summer, the
9 second e-mail is on behalf of the petitioners from
10 the science coordinator of Maryland Coastal Bays,
11 the second document is from our shore conservation
12 folks who finished this yesterday at 3:45, God
13 bless them, so this is their conclusion or their
14 opinion and with that I turn it back to the chair
15 men.

16 THE CHAIRMAN: All right, okay. I would
17 like the petitioner to, the petitioner to stand up
18 and be the first one to describe and give us a
19 little more information and then, and then anybody
20 else that wishes to speak. Absolutely, please do
21 so, so the petitioner will give an overview, you

1 know, if you will, of what we're doing and then
2 anyone else that wishes to speak if you have signed
3 up already, that's fine, we'll acknowledge you to
4 you speak.

5 So petitioner first and then we'll go
6 from there, you have a microphone over the podium,
7 speak to the committee if you would please, because
8 that's the ones that you need to describe to.
9 Thank you.

10 MR. HILLEGASS: Thank you very much for
11 holding this meeting.

12 THE CHAIRMAN: Name?

13 MR. HILLEGASS: My name is Bob Hillegass
14 and I live at 329 Piedmont Court in Berlin,
15 Maryland, I'm also an owner of one of the
16 condominiums at the marina. And I, as well as the
17 elected president of the board of directors, we
18 have a total of two hundred boat slips at that
19 marina and six commercial units. He showed me the
20 seawall that we had constructed around the marina,
21 that was completed about three years ago and the

1 marina, Pines Point Marina was incorporated in May
2 of 19, 1999 and that's the point that it was turned
3 over from the developer to the owners. In April of
4 last year we noticed -- well, for years we've
5 noticed -- but in April of last year the board
6 noticed again that there was an excessive amount of
7 boating traffic and people just ignored the speed
8 limit signs. At that point we had called the DNR
9 and they came out and installed, had some extra
10 speed signs installed, that helped with the problem
11 that we were having. The board of directors then
12 asked our marina manager George Maynard to head a
13 project and contact various regulatory authorities
14 to see if there was anything that we could do to
15 slow down the process of boats speeding through
16 there and creating wake and one the biggest
17 problems we have is the peninsula that become an
18 island, the boats cut through there because it's a
19 shortcut into the marina to get gas and we have a
20 lots of jet skis and a lot of boats, some boaters
21 who probably are not very knowledgeable, other

1 boaters seem to just disregard the respect for the
2 speed limit signs, but at that point we had asked
3 you George Maynard to get involved and I would like
4 George to come up and he can tell you the process
5 that he's followed and what we've done, but I will
6 say that as past year when they put the sign
7 between the two islands that were at one time a
8 peninsula the traffic has slowed down, we have had
9 a lot less traffic through there, but there is
10 still a fair amount cutting through there and we've
11 encouraged all of our owners to call the Maryland
12 water police anytime, the Department of Natural
13 Resources. We use the 800 number that Mike gave
14 us. We've at times had difficulty to get through,
15 but we have had a lot of owners tell us that they
16 have been making those reports.

17 But with that I would like to bring
18 George up and let him explain what's happening. We
19 also have two past presidents with us and they
20 probably will have some remarks after George is
21 finished. George.

1 MR. MAYNARD: Yes, as Bob said I'm
2 George Maynard, I'm the manager of Pines Point
3 Marina. Can you hear me all right? I live in
4 Ocean Pines. I've been there for nine years and so
5 forth. What we are trying to do and that's why we
6 wanted to get this out was we're trying to buy some
7 time. It's a very complicated process of what
8 we're trying to do and this is the first baby step
9 that we're doing and all we're asking is that this
10 area right in here be restricted to motorized
11 traffic (indicating). And the reason for that is
12 that several on many, many occasions I have sat
13 there and many people will agree with me that we
14 sat there, boats have flown through there even if
15 they're only doing six knots and so forth, they're,
16 very, very fragile islands. When a boat goes
17 through there, at a low tide you can see clumps of
18 mud, because that's all these islands are, they're
19 mud and marsh and we seen clumps of dirt falling
20 off. The boats are exacerbating the problem
21 cutting through these channels and so forth, they

1 have grown over the years and we're looking at a
2 situation where we feel like within five to six
3 years these island are gone, they're gone.

4 We all know that in the bay and the
5 coastal bays and so for the islands have
6 disappeared at a rapid rate, not to get into
7 politics or anything about global warming and so
8 forth, that's a problem, what we're asking of you
9 people is that grant us this and we think it may
10 slow down the erosion of the islands not
11 considerably, but enough that by the time we have
12 other plans in effect we're going to the Army Corps
13 of Engineers and see if possibly we can reattach
14 the islands to the mainland and actually turn it
15 back into Jenkin's Point; however, it's the Army
16 Corps of Engineers and it's going to be two or
17 three years down the road before we get to that
18 point. And our biggest fear is that by the time we
19 get to this, if we don't have these regulations in
20 effect, what's going to happen is that the islands
21 are going to disappear and like I said we've got

1 five or six years we're looking at before they're
2 gone. Once they're gone, they're done. I mean you
3 can look at the bay, Sharps Island is gone. There's
4 several islands within Assawoman Bay that have
5 disappeared over the last couple of years and so
6 forth and there are ongoing projects with the Army
7 Corps of Engineers to try to restore a lot of that.
8 And that's what we're trying to do. But we need to
9 buy some time, that's all we're asking. And we
10 feel that this would be an important step in
11 helping us buy a little bit of time, if we can keep
12 the boat traffic down there is nothing really we
13 can do about any wakes that are out in I'll of
14 white and St. Martin river, but mainly we're right
15 here, but we're just looking for to keep the boats
16 out of, out between the islands. And that doesn't
17 mean if you got a kayak or something, obviously
18 they don't slow wakes up or canoeing or anything
19 ever that nature, but that's what our goal is,
20 we're just trying to buy some time and I keep
21 emphasizing that point. That's the only reason

1 that we're asking it, we're not trying to restrict
2 anybody's rights who has a boat and so forth and
3 there is a couple of reasons and we have a
4 parochial interest in there and obviously these
5 island and I have seen them operate during storms,
6 they operate as a natural breakwater for the
7 marina, but also this area here and this whole
8 section in here (indicating), it also operates to
9 keep the channel open in to pines, the Ocean Pines
10 Yacht Club. So that's what, you know, that's what
11 our purpose is and that's what rear trying to do.
12 Does anybody have any questions of me or?

13 MR. SHELLER: What is the, what is the
14 ownership of that property?

15 MR. MAYNARD: Which one? Marsh Island
16 is part of Ocean Pines, it's Ocean Pines
17 Association, we went back and checked with the
18 shoreline commission and basically what we found
19 out is when they were attached -- there is actually
20 a condo project right here called Osprey Point,
21 after they were done with the condo the property

1 that they did not use was turned back to the Ocean
2 Pines Association, but back in 1989 and I think you
3 can look at the pictures it was connected to the
4 mainland. Right there, there it is right there
5 (indicating). So the ownership at that point in
6 time was Osprey, they have since turned that back
7 to, under the agreements with the Ocean Pines
8 Association that's been turned back to the Ocean
9 Pines Association so technically the two, we call
10 them Marsh Islands, that was Mike's category for
11 lack of a better word, but at any rate the island
12 themselves are Ocean Pines Association properties.

13 THE CHAIRMAN: Anymore questions?

14 MR. MCLEAN: You said you're going to
15 approach the Corps of Engineers with a solution to
16 restore the island, what was your proposal or what
17 will it be?

18 MR. MAYNARD: That's what we're arguing
19 with the Army Corps of Engineers, we've already
20 approached them because from what I understand in
21 countless talks with them is that money has been

1 released to the Army Corps of Engineers for various
2 dredging projects in the Ocean City area, the
3 problem that we have and this is, you know, I mean
4 a lot of these projects are going to be starting
5 within two to three years or so and we're trying to
6 get our name put out there that we would be a
7 perfect ground. We want, we want your sludge, we
8 want your mud, we want all of the stuff that, you
9 know, Ocean City doesn't want, IE: sand, because in
10 our area sand is virtually gold, they will use that
11 to put on the beaches and so forth, but what we're
12 after is the stuff that they can't do anything with
13 because that's what those islands are, they're
14 nothing but, you know, sawgrass and mud and what we
15 were looking at was to have them sort of like dike
16 it off -- is anybody farm with Isle of Wight? When
17 you're going into Ocean City on the Route 90 bridge
18 on the right hand side the Army Corps of Engineers
19 has done a marsh restoration and they have sort of
20 diked it off and put riprap in and then they
21 rebuilt the marsh area in there and that's sort of

1 what we're looking at, but we're in the very
2 preliminary stages with it. We're trying to get
3 our name out there and these islands noted that we
4 would like to have this restoration done and that
5 they are a viable spot for putting the spoils and
6 the dredging material in.

7 I have talked with Roman Jesien just the
8 other day and he was, gave me a lot of good advice
9 and so forth as to how to approach it because the
10 money is limited and I, obviously the state of
11 Maryland is not doing any dredging projects, but
12 this is all Army Corps of Engineers, and they do
13 have some projects that we're going to try to get
14 in line for. Our biggest problem is that they
15 don't want to transport this material, very far
16 from where the dredging is actually occurring. But
17 there are some projects in step and we, that's what
18 we're trying to do, we're getting in touch with
19 them to see if we can't make this a viable spot
20 for, you know, future, you know, sludge disposal.

21 MR. SIMON: Do you have any names of

1 the, from Corps of Engineers you talked to in
2 Washington?

3 MR. MAYNARD: I talked it a gentleman
4 named Bob Blama, he's the Army Corps of Engineers,
5 I guess he's the district director, we have letters
6 and so forth, but unfortunately I didn't make
7 enough copies for everybody of our letters to Bob
8 that's the gentleman that I deal with.

9 MS. TROVATO: Has the Ocean Pines Marina
10 expressed an opinion one way or the other?

11 MR. MAYNARD: Yes, we have one of the
12 board of directors that can help with us that.

13 MR. LEVITAN: Do they have closer dump
14 sites from where --

15 MR. MAYNARD: Right now it's with all of
16 this that -- actually, all of this transpired
17 probably and I found out about it when there was an
18 article in The Daily Times in Salisbury that they
19 have suddenly with Sandy they attached all the
20 riders when Sandy came through when they did the
21 appropriations to do all of the damage repair with

1 Sandy and there was also all of these
2 appropriations and riders put on these bills that
3 freed up money for dredging projects. I'm sure
4 every congressman and senator up and down the east
5 coast had their little pet projects they wanted
6 done, so it was this money that was set up and put
7 into effect and now the Army Corps of Engineers has
8 money to do these projects, so there is a lot of
9 people standing in line for it and that's what we
10 are trying to do is get in line for it. One of the
11 projects that they're going to do is they're going
12 to dredge a channel from Route 90 down to 30th
13 Street and Ocean City is talking about putting in a
14 boat slip just above the Route 90 bridge and I'm,
15 trust me Monday morning I'm going to call the guy
16 that, the chief engineer for Ocean City and say
17 hey, hello, we would love to have the stuff that
18 you're going to pull up from the bottom there. We
19 have to get, there's so much stuff that's being
20 done right now and we want to be in line for it.
21 Now, one the things they did say was that he

1 mentioned that if we ever do any dredging in the
2 marina or Ocean Pines Yacht Club does any dredging
3 that would be an ideal spot for it. So that's the
4 situation that we're in right now.

5 MR. LEVITAN: Normally they have
6 problems finding places to put sludge.

7 MR. MAYNARD: Thank you.

8 MR. LEVITAN: Dredge material.

9 MR. MAYNARD: Dredge material, yes, and
10 thank you, because that's what we're telling
11 everybody, we love to have it, we want to, want it.
12 Send us your poor, your tired, your rotten stuff
13 off of the bottom of the bay, that would be ideal
14 for this and that's what we're trying, that's what
15 we're doing right now is letting everybody and
16 their brother know, you know, because at one point
17 in time the article I read they were going to
18 spread it on fields and farms and so forth and it's
19 like what, you know, if you don't have a space for
20 it, but a lot of problem is that, you know, some of
21 the stuff is going to be done down further below

1 the old Route 50 bridge and Sinepuxent Bay where if
2 you notice, anybody that goes into Ocean City on
3 the old Route 50 bridge you can see how bad that
4 the silting and everything that's occurred down
5 there and what we're after is, you know, I suggest
6 look, if you're doing that stuff because behind
7 Assateague Island most of that stuff is pretty,
8 it's not sand, it's a mixture of muck and nasty
9 stuff, barge it up to us, we'll take it. But quite
10 frankly they don't want to do a whole lot of
11 barging of the material, they would rather put it
12 on trucks and spread it on a field and it's like,
13 you know, we're trying to rebuild islands, why not
14 use it there, it's the perfect place for it.

15 MS. TROVATO: So have you talked to the
16 Corps of Engineers about getting a permit filled.

17 MR. MAYNARD: We're very, very, very,
18 very early in the proceedings. We haven't even
19 been chosen yet and that's what we're trying to do
20 down the road, I mean, and I know there is going to
21 be environmental hearings, there's going to be all

1 kind of things that we have to, that will be done
2 before we actually get -- we're just not going to
3 suddenly pull up with a dredge and start dropping
4 stuff there, obviously you can't do that, that's
5 breaking the law, but until we actually get the
6 Army Corps of Engineers to say yeah, you're a great
7 spot for it, we've got these projects we're going
8 to use it then at that point in time I'm sure the
9 hearings will begin.

10 MS. TROVATO: What you're also
11 considering is some kind of riprap or wall to
12 prevent erosion.

13 MR. MAYNARD: I'm not an ocean, you
14 know, engineer or hydrographic engineer, but I
15 think just dumping mud in between those island it's
16 going to wash away, erode away in a matter of
17 months, the first time you get a storm down there,
18 so you need something as a retainer to keep all of
19 that in place and that's just, you know, a novice
20 looking at it.

21 MR. BUSH. Have you contacted your

1 congressman that represents you in that area.

2 MR. MAYNARD: Not yet.

3 MR. BUSH: That might be a good thing to
4 do.

5 MR. MAYNARD: That's a very good
6 suggestion, I will do that.

7 MR. BUSH. They will have public
8 hearings and if he's aware of that he will be able
9 to help you out.

10 MR. MAYNARD: Good idea.

11 MR. SIMON: Who is the congressman for
12 that area?

13 MR. MAYNARD: Are you talking about our
14 congressman. It's Andy Harris.

15 THE CHAIRMAN: Anymore questions for
16 George, questions? George, I don't think there is
17 anymore, but we'll hear from your other gentlemen
18 and then we may have some more questions that
19 relate to him or back to you again possibly. Thank
20 you.

21 MR. CLARKE: Hi, my name is Marty

1 Clarke. I live at 855 Ocean Parkway, Berlin,
2 Maryland. I want to thank you gentlemen and ladies
3 for putting up with us today.

4 (Discussion held off the record.)

5 MR. CLARKE: I have had the pleasure of
6 being an elected director of Ocean Pines, which is
7 a 45 year old homeowner association located on the
8 waterfront in Worcester County, and it's comprised
9 of 8,440 plus property owners. At a regular board
10 meeting which was held September 18th, 2013 our
11 board passed a resolution in a hundred percent
12 support of the efforts by George to protect and
13 restore the subject eroding peninsula and I think
14 if everybody had the environmental concern that
15 George had we'd be in a lot better shape than we
16 are now. The peninsula protects many of our
17 residential subdivisions, not just the marina.
18 Pintail Point, there is another one over here
19 called Terns, is it Terns Landing? I mean it
20 really does, all of this land in here protects the
21 entranceway into our marina and yacht club. Osprey

1 Point, which is the townhouses that are built,
2 built in here, and they're the ones that actually
3 gave Ocean Pines it in the turnover. We're the
4 record owner of the island, but we're not doing
5 anything with it. We didn't know we were the
6 record owner of the island until George told us.
7 We've been witness to this land eroding at a rapid
8 rate of the recent years and much of that erosion
9 is due to inexperienced recreational boaters and
10 jet ski operators who intentionally and I say that
11 without fear of contradiction avoid the posted
12 speed restrictions by cutting through.
13 Unfortunately, these boaters ignore the damage
14 being caused by their wake, any restriction and
15 enforcement, and important part of it, to the
16 access to that subject property will make a big
17 difference in all of the environmental problems
18 suffered right here. We got boats that come
19 through here putting along at the speed limit and a
20 boat will come through here because you won't see a
21 speed limit sign, I think you do now there is one

1 out there, but before that they will find a way.
2 They actually look for a way to -- I say that I
3 have seen jet skis using the six mile an hour
4 markers as turn buoys for their racing endeavors,
5 but we sure appreciate anything that you can do for
6 us. Any questions?

7 MS. TROVATO: Can you read the resolution
8 that was passed or do you have a copy that we can
9 take a look at?

10 MR. CLARKE: I might. Do you have a
11 copy?

12 MR. MAYNARD: I think I do. By the way,
13 I don't have enough copies for everybody, but I do
14 have this was from Roman Jesien and then there is a
15 letter from the Army Corp of -- that we wrote to
16 the Army Corps of Engineers.

17 MR. GRANT: I have the Roman Jesien.

18 MR. MAYNARD: They're all together. I'm
19 sorry, I didn't know how many people will show up,
20 you're going to have to share.

21 MR. CLARKE: This was the motion that

1 was read: I move the board of directors support and
2 encourage the efforts currently underway by Pines
3 Point Marina a condominium in conjunction with the
4 Maryland Department of Natural Resources and Army
5 Corps of Engineers to protect the islands belonging
6 to Ocean Pines Association, Inc -- I'm sorry,
7 that's protect and restore the islands belonging to
8 Ocean Pines Association Inc -- just northeast of
9 Osprey Point condominiums from additional erosion,
10 this effort has the support of our environmental
11 and natural assets advisory committee as well as
12 our marine advisory committee and there is
13 discussion.

14 MS. TROVATO: Thank you.

15 MR. CLARKE: You can have this.

16 THE CHAIRMAN: Thank you, we'll take
17 that.

18 MR. CLARKE: Thank you.

19 THE CHAIRMAN: Anymore questions for --

20 MR. PEPE: Yes. If saying in the future
21 that this project came to fruition and this was

1 restored as Jenkin's Point and not Marsh Islands,
2 would this still be considered by Ocean Pines as a
3 natural area, protected habitat?

4 MR. CLARKE: Absolutely, I mean
5 there's -- we don't have any plan for it.

6 MR. PEPE: I was just looking at the
7 intense development that goes to the water there,
8 that's just what I was --

9 MR. CLARKE: In order to get to that
10 island by any way other than boat or waders you
11 have to go through private property.

12 MS. TROVATO: Is there any intention by
13 the Ocean Pines Association to put that, if it gets
14 rebuilt or even as it is now, into a conservation
15 area?

16 MR. MAYNARD: Sure, that's all. There
17 is no roads leading there -- I'm sorry, Marty. I
18 didn't -- can you hear me all right -- and it's, I
19 mean quite frankly right now it's, it's a very,
20 it's a breeding area for all kinds of wildlife and
21 so forth. Trust me we know that the seagulls are

1 pulling mussels and mollusks and so forth because
2 they use the decks of the marina in the wintertime
3 to smash their stuff and you can't walk on the
4 docks without crunching from the broken shells so
5 it's a very, very, even for the small islands that
6 they are, it's a very rich environment, we intend
7 to do nothing at all, I speak for Ocean Pines for
8 that. It's not going to be a recreation area, it's
9 strictly for conservation and restoring it to the
10 way it existed, you know, hopefully the way it
11 existed years ago.

12 THE CHAIRMAN: Any questions for Marty
13 or George? No questions.

14 MR. CLARKE: Next is Dave. Thank you
15 very much.

16 THE CHAIRMAN: Thank you.

17 MR. KERSHAW: Good morning, my name is
18 Dave Kershaw and I have been boating on the water
19 for probably about 50 years, I came from
20 Massachusetts and New Jersey and now Maryland. I'm
21 fortunate to live right here so I'm witness to what

1 goes on out here in the bay all year round. One
2 thing we haven't talked too much of is the wildlife
3 that these islands support is significant. With
4 the, you know, the Loons and the Comorants and
5 Gulls, Egrets, I think we get an occasional otter
6 to come through here, and the changes from the
7 season, once the boats leave the marina and the
8 wildlife starts to move in, we'll get seagulls. I
9 keep telling the wife in the morning and the
10 evening I say they are having another meeting, we
11 got maybe up to four or five thousand gulls out
12 here on the ends of the docks but they also visit
13 the islands and as George alluded to they always
14 pick their mussels off the islands and come over
15 onto the docks and smash the shells on the docks.
16 But these islands support a significant amount of
17 wildlife and I have seen them erode significantly
18 since I have bought my property there. I bought in
19 '99.

20 The boat traffic is significant in this
21 area during season and if any of you have been up

1 in Ocean City or traverse the coastal bays during
2 the summertime there are a significant amount of
3 jet ski rentals on the coastal bays and I have
4 counted up to 40 jet skis in line following their
5 instructor at a significant amount of speed, they
6 go by Pines Point Marina and one day I actually saw
7 12 of them go through the gap in those islands at a
8 significant amount of speed so if we can restrict
9 the boats from passing through there in anyway it's
10 going to aid that significantly. I have seen this
11 problem before, I was a member of the Narragansett
12 Conservation Commission in Narragansett, Rhode
13 Island and our concern was the marsh grasses on
14 Narrow River, which is a tidal estuary, and we had
15 similar problems and a lot of boat traffic and if
16 you allow it to continue in areas at full speed the
17 wake significantly erodes the marsh grasses.
18 That's all that I have to say.

19 THE CHAIRMAN: Any question for Dave?
20 Thank you, Dave, appreciate it. Is there anything
21 else that, George, that you would like to say to

1 us? You know, we're happy to have any other
2 comments, information, that you would like to say
3 to the committee or any questions that anybody
4 would like to ask?

5 MR. MAYNARD: No, I think we bared our
6 soles and the emperor has no new clothes, but at
7 any rate, you know, I really, really hope, like I
8 said, this is nothing more than a stopgap measure
9 to help us maybe extend the life of the islands a
10 little bit until we can get the Army Corps of
11 Engineers and the folks in that area to look at,
12 you know, and see if we can restore the islands,
13 that's what our purpose is. We don't want to
14 restrict anybody's rights as a boater, and it's, I
15 think for the little bit of space there, 130 feet,
16 you got 180 feet basically of two channels, that's
17 all we're asking is just keep the boat traffic out
18 of there especially, you know, in the summertime
19 when it's really, really busy and that would I
20 think that would help out tremendously.

21 MR. PARLIN: I have heard two different

1 things, one was keep the boats out and the other
2 was to keep power vessels out, what is the, what is
3 the --

4 MR. MAYNARD: You know, kayaks and so
5 forth, obviously they don't generate a wake or
6 anything else like that, so, you know, my feeling
7 is it's just basically powerboats and jet skis and
8 so forth is what we want out. You know, people
9 want to kayak around the island or canoe around the
10 island they're not doing any environmental damage
11 unless they throw their beer cans or something on
12 the island, I don't see that happening. We don't
13 want to restrict to kayakers and canoers.

14 MR. SIMON: Could I get their
15 congressman's name for that area?

16 THE CHAIRMAN: They can give it to you,
17 I think it's Andy Harris.

18 MR. MAYNARD: Andy Harris.

19 MR. SIMON: Can you give that to me
20 later?

21 MR. HILLEGASS: That was a good

1 suggestion because we definitely will contact him.

2 MR. SIMON: Well, I can walk in.

3 MR. HILLEGASS: That would be helpful,
4 thank you.

5 (Discussion held off the record.)

6 THE CHAIRMAN: Any other questions? Any
7 questions for the -- let's have the NRP corporal,
8 how about any comment from you? Please stand up
9 and give us your comment, you patrol that area, so.

10 CORPORAL CORBIN: I don't have any
11 comments per se, but I'll be happy to entertain any
12 questions that you might have.

13 MR. PEPE: How many, how many calls have
14 you gotten on the situation as, that we've been
15 discussing this morning as far as boats traversing
16 that area?

17 CORPORAL CORBIN: If you look at the
18 totality of Ocean City themselves that's a very
19 minimal call area for us, I'm not trying to
20 downplay what they're seeing, but if you take the
21 totality of Ocean City that's a minor call for

1 service area for us.

2 MR. SHELLER: Right now any infractions
3 of regulations would be exceeding six knots?

4 CORPORAL CORBIN: Well, again, there is
5 to the south of it there's a six knot speed zone
6 going into the marina that's enforced, we do patrol
7 checks there. The islands itself for jet skis, the
8 only thing that would have is the hundred foot rule
9 which jet skis when they are within a hundred foot
10 of anything they have to go less than six knots,
11 which we obviously enforce as well. We did what we
12 pulled CADs for the study and as well as just
13 patrol checks. What we do is we notify we're there
14 and document the times that we were there and did
15 patrol checks. Those were documented for,
16 throughout the course of the summer. There were
17 violations that wasn't egregious or anything.
18 There were a lot of boaters. I'm, I'm not
19 downplaying it, just for all of Ocean City it's a
20 minimal area for us.

21 MR. DWYER: I notice in your report you

1 say there is not many boats that go through, that
2 you observed.

3 CORPORAL CORBIN: Just in our
4 interactions, just the islands itself it's very
5 minimal traffic.

6 MR. DWYER: Mainly jet skis.

7 CORPORAL CORBIN: Mainly jet skis, we
8 see people with crab traps and kayakers and stuff,
9 but again, it's all relevant to -- you'll get a lot
10 of traffic going in and out of the marina and a ton
11 of traffic going up and down the St. Martin's
12 River, but compared to that it's minimal.

13 THE CHAIRMAN: The depth of that at high
14 tide --

15 CORPORAL CORBIN: It's deceiving, the
16 islands are a whole bunch of small marsh clumps.
17 If I take my patrol, I might hit a clump that's in
18 the water. It's dicey getting in and out of there.
19 Granted, granted I would say that I don't traverse
20 the area very much, but I don't want to put the
21 patrol boat on the ground.

1 MR. PARLIN: You said there is crabbing
2 taking place, is it taking place right there around
3 the islands?

4 CORPORAL CORBIN: There is very few rec
5 guys that have the collapsible crab traps and the
6 commercial activity is up the St. Martin River.
7 They don't go around that area very often.

8 MR. MAYNARD: Could I add something?
9 That area around the islands is restricted there,
10 is no shellfishing allowed, there's a buoy that
11 says no shellfishing allowed that sits probably oh,
12 God, I don't know, Bob, where it is right about
13 her?

14 MR. HILLEGASS: Yeah, about there.

15 MR. MAYNARD: Bob ran by and we took
16 pictures of it and it says no shell fishing. In
17 fact, Mike, we thought you were down there.

18 MR. GRANT: Yeah.

19 CORPORAL CORBIN: If I can clarify the
20 shellfish is for oysters and clams, it doesn't
21 regard the crab, it could be confusing. I just

1 want to clarify for everybody.

2 MR. MAYNARD: A crab has got a shell,
3 unless it's soft shell.

4 MS. TROVATO: What kind of crabbing are
5 they doing?

6 CORPORAL CORBIN: Very minor
7 recreational. It's collapsible traps. Again, the
8 commercial is more in the Isle of Wight Bay and the
9 St. Martin's River.

10 MR. KLING: Corporal, would you -- how
11 would you enforce a no powerboat restriction? Do
12 you see that as an issue?

13 CORPORAL CORBIN: It wouldn't be an
14 issue, it would be easy to enforce. I will say
15 that in my opinion again it's just my opinion the
16 amount of violations we will encounter would be
17 minimal, but it wouldn't be any trouble to enforce
18 it.

19 MR. MCLEAN: If they're going through,
20 how do you get through?

21 CORPORAL CORBIN: We have to go through

1 and wait on the other side.

2 THE CHAIRMAN: Any more questions for
3 the corporal, more questions? Thank you, we
4 appreciate you being here.

5 MR. HILLEGASS: Yes, yeah, a question.

6 THE CHAIRMAN: Please use the mic.

7 MR. HILLEGASS: Yeah, one of the things
8 that we've done is we have asked our owners anytime
9 they see those violations to call the 1-800 number
10 that Mike had provided us with which was the
11 dispatch, I guess, in Annapolis, I'm not sure where
12 it's at, for the Natural Resource Police and a lot
13 of our owners have been complaining and that would
14 be a question that I would have is that they either
15 can't get through, the phone doesn't get answered
16 or it's busy or some of the, some of the operators
17 are not very receptive. I will say on the other
18 side that when the Natural Resource Police come up
19 to our area if really does have a significant
20 impact and the local police are very, very
21 cooperative and supportive and the fact that they

1 stopped a few boats and have been up in that area
2 has slowed people down because the word spreads but
3 we do have some video cameras that are for
4 surveillance more than anything else and if that's
5 restricted we certainly could buy a higher powered
6 camera and give you photographs of people cutting
7 through there if you decided it was restricted, if
8 that could be used, so we'll do anything that we
9 can to help you and we just really -- there is a
10 lot of wildlife over there and a lot of little
11 turtles and stuff like that floating around.
12 That's all that I have.

13 MR. DWYER: Boats that you're that you
14 talking about coming through are you talking about
15 boats or jet skis?

16 MR. HILLEGASS: Both, boats come
17 through, not near as many since the signs are
18 there, they slow down but they still come through,
19 there is no reason they can't. The jet skis seem
20 to come through on full plane.

21 MR. DWYER: I'm not saying I don't

1 believe it, but it's a clumped area and you know
2 there are lumps out there, you know, you're not
3 going to try to tear your boat up trying to run the
4 boat through there.

5 MR. HILLEGASS: The people that go
6 through and especially at high tide they can get
7 through and they do it.

8 MS. TROVATO: Are you seeing people
9 running faster than six knots through there?

10 MR. HILLEGASS: Yeah, yes, yes.

11 MR. CLARKE: Yeah.

12 MR. HILLEGASS: It's slowed down, the
13 people that respect the speed signs and people that
14 are knowledgeable boaters slow down. People that
15 don't care I'm not sure what you do to solve that
16 problem because the Natural Resource Police can't
17 get there quick enough when it happens.

18 THE CHAIRMAN: Anymore questions for the
19 group of presenters?

20 MS. ALLISON: Is there any opposition to
21 this?

1 MR. HILLEGASS: We have heard of none
2 and we've certainly let enough people know about
3 it.

4 MS. ALLISON: Mike, we haven't had any
5 opposition to it?

6 MR. GRANT: No, ma'am.

7 MR. HILLEGASS: Our biggest concern was
8 to find the ownership of the islands and we went to
9 the county and we found out the transfer, we got
10 ahold of the board of directors and they presented
11 it to the board and passed the resolution and
12 support it, so they support the eight thousand home
13 owners that live there and we haven't had any
14 individuals.

15 MR. LUNSFORD: Just a quick question,
16 one of the regulations that already exists is a
17 minimum wake zone for power vessels and it's used
18 in a couple of areas, would a minimum wake zone,
19 one, be easier to enforce perhaps and two, less of
20 an imposition on the public that does want to get
21 through and get gas? Surely the enforcement of

1 minimum wake wouldn't be anymore difficult than an
2 exclusion zone I wouldn't think. It would require
3 two buoys on either side of the cut and maybe that
4 would get the same place without being quite as
5 restrictive on the public. You're opinion on that,
6 please?

7 MR. HILLEGASS: Again, it comes back to
8 the people. Respectful boaters slow down, it's the
9 group that won't slow down and there is one thing
10 if it says no trespassing, that's a little
11 different than six knots which the people that
12 disrespect the law are going to continue to
13 disrespect it.

14 THE CHAIRMAN: Anymore questions?

15 MR. SHELLER: I have a question, but I
16 don't know who to direct it to.

17 THE CHAIRMAN: Either one.

18 MR. SHELLER: Maritime law, if the
19 property on both sides of that cut originally
20 belonged to one owner and from a perspective of as
21 soon as that cut comes through a piece of property

1 that now becomes navigable water under the law.

2 MR. MAYNARD: What are you talking about
3 a cut?

4 MR. HILLEGASS: It became an island.

5 MR. SHELLER: When that became an island
6 the riparian rights would become public through
7 that island.

8 MR. LUNSFORD: Waters are public waters.

9 MR. SHELLER: Low water --

10 MR. LUNSFORD: If you can float on it,
11 you're on state water.

12 MR. MCLEAN: Just to give a little bit
13 of information, if you see the rental operators
14 going through there that is, you can go after them,
15 call the NRP, get photos of them, call the NRP, the
16 NRP will in turn get in touch with the safety
17 officer for the state of Maryland and each rental
18 operator have an operator's agreement and they have
19 territories they must operate within which the
20 corporal knows.

21 CORPORAL CORBIN: If I can address that.

1 Each rental has an assigned area they can operate,
2 there is no rental operation in the St. Martin's or
3 in front of Ocean Pines, there shouldn't be any
4 rental skis in there.

5 MR. MCLEAN: I thought one of the
6 gentlemen --

7 CORPORAL CORBIN: I understand, the
8 closest one would be Herring Creek and if you see
9 Horse Island would be right south of there, that's
10 the closest rental operation and the rest are
11 across the bay close to Ocean City, that should not
12 be a problem.

13 MR. MCLEAN: If they can get a copy of
14 jet skis the hull numbers and get ahold of Julie
15 Brown, she will enforce it, she will, I know she
16 will, and if it's egregious they can get their
17 license suspended.

18 THE CHAIRMAN: Steve.

19 MR. KLING: Just on John's question,
20 it's actually complicated, if -- to Bob's point
21 when it's open water it's open water, as a riparian

1 owner at the risk of gross over simplification, if
2 something happens gradually over time you lose your
3 rights, if something happens quickly and violently
4 in a storm you can go and reclaim what you had.

5 THE CHAIRMAN: Anymore questions for any
6 of the gentleman before we take a break and we'll
7 have lunch, is that --

8 MR. GRANT: We're an hour from lunch.

9 (Discussion held off the record.)

10 THE CHAIRMAN: We can go right into
11 executive session right now and -- if that's the
12 wishes of our committee we can do that and --

13 MR. BUSH: Okay with me.

14 THE CHAIRMAN: At this point unless we
15 go into executive session unless there is something
16 else that you would lining to bring up for us, it
17 will be discussion between the committee and you're
18 not permitted to speak unless we ask you a question
19 which may come up or the corporal same thing, we
20 may ask you a question, when we're having
21 deliberations, so we can move with that right now

1 since we're ahead of schedule. So any other thing
2 that you all would like to bring to the committee
3 at all before we do that? Anything at all, George?

4 MR. MAYNARD: No, I think we've stated
5 our case as best we could.

6 THE CHAIRMAN: Okay, we do appreciate it
7 and.

8 MR. MAYNARD: We do appreciate everybody
9 taking time out of their busy schedules and so
10 forth to meet with us, we're just a little minor
11 blob down in Ocean City, so we thank you very much.

12 THE CHAIRMAN: We appreciate your
13 concerns, we have concerns as we stated earlier for
14 all of the people that use the bay and some
15 ecological pieces as well, so we have concerns with
16 that and we appreciate you being here today for
17 sure and excessing it, you're more than welcome to
18 stay, you can stay for deliberations, it's up to
19 you, if you would like.

20 MR. MAYNARD: Do you have an idea, will
21 we know something as to what your recommendations

1 are after you meet?

2 THE CHAIRMAN: Yes, yes, we will.

3 MR. MAYNARD: That's fine with me, you'd
4 know something immediately.

5 (Discussion held off the record.)

6 THE CHAIRMAN: We will have a
7 recommendation. Before we leave we have a
8 recommendation for the secretary, so that's the way
9 we operate. We do have a recommendation before we
10 leave. So if there is no more questions that we
11 have for them we're good. No more questions?

12 Okay. We're in executive session and
13 I'll entertain any ideas from the committee. You
14 want a break? They would like to have a little
15 break, I think. There may be an opportunity for a
16 relief break, we'll be back in 10 minutes.

17 (Pause in the proceedings.)

18 THE CHAIRMAN: We'll reconvene our
19 committee and we'll start our deliberations.

20 MR. MCLEAN: Yeah, Mr. Chairman, I would
21 like to make a motion that the petition from the

1 yacht club be accepted as offered thereby
2 restricting boat traffic through the island.

3 MR. SIMON: Second. Second the motion.

4 THE CHAIRMAN: Is there a second, Al,
5 you 2 it. Okay, we have a motion and second, any
6 discussion?

7 MR. PARLIN: Real quick, as a
8 clarification, same question I asked them, all boat
9 traffic or power vessels?

10 MR. MCLEAN: I think to make it simple,
11 I understand their issues with canoes and kayaks, I
12 would restrict it to all boat traffic.

13 MS. ALLISON: Year round.

14 MR. MCLEAN: During the boating season.

15 THE CHAIRMAN: Jon.

16 MR. SHELLER: We haven't discussed any
17 options to the petitioner's request. What other
18 options might be available to alleviate the current
19 situation that they have come to discuss?

20 MR. SIMON: Who are you referring to,
21 any organization in particular like the Watermen's

1 Association or?

2 MR. SHELLER: So no, I'm asking what can
3 this committee recommend other than prohibiting
4 traffic through that area.

5 MR. BUSH: Well, my comment would be
6 that we would only restrict the motorized boats
7 through there that would give the people who are in
8 the kayaks, et cetera, they will still have the use
9 for that, but that's not going to effect that as
10 far as erosion is concerned or anything else, you
11 know, it's not going to disturb the boats or
12 anything else, I would like to add that as to
13 something to think about.

14 THE CHAIRMAN: Steve.

15 MR. KLING: Point of clarification, I,
16 is the motion to restrict boat traffic to the red
17 rectangle.

18 MR. MCLEAN: Yes, that's the petition.

19 MR. KLING: Well, yeah, but you're
20 recommending action by us, so I want, are you
21 recommending that that, those specific dimensions

1 be limited, restricted, no boat traffic in that red
2 rectangle?

3 MR. MCLEAN: I would say yes, to answer
4 you question, yes, that's what is appears to be.

5 MR. KLING: We need that level of
6 specificity, that one red rectangle intersects an
7 existing channel, I'm not sure it does, but I'm
8 looking at 1.136.

9 MR. MCLEAN: Is that right, Mike?

10 MR. GRANT: Well, the area from --

11 MR. KLING: The other end.

12 MR. GRANT: I understand, this line,
13 this line, everything on this side is six knots in
14 here (indicating).

15 MR. KLING: Right, but we --

16 MR. GRANT: Channel is here.

17 MR. KLING: That lower left hand corner
18 is where my question is -- no, where the other red
19 is --

20 MR. BUSH: Right there.

21 MR. KLING: Are we intersecting or

1 trying to, I mean are we -- if we're going to do
2 this, we need to give Louis specific, Louis needs
3 to give us specific coordinates on where stuff is
4 going to go and I don't think we can take away part
5 of the channel.

6 MR. DWYER: You know I'm against most
7 regulations anyway, restrictions, but, yeah, I
8 think if you're going to have it, you need to have
9 it for all boats, I think it's going to be
10 confusing to see a couple of boats there, a
11 sailboat or paddler and a jet ski going by they're
12 going to think well, they're there and they're
13 going to go in and that's going to be a harder
14 thing to police.

15 MR. BUSH: I don't think you're going to
16 see any sailboats because of the depth of the
17 water.

18 MR. DWYER: I see them where I think
19 they should never be.

20 MR. BUSH: I'm a sailor, I know about
21 that, all right.

1 MR. PEPE: I think if this is going to
2 be held up as a nature preserve this should not be
3 restricted to paddle boaters, kayakers.

4 MS. TROVATO: Canoers.

5 MR. PEPE: People that want to get in
6 and enjoy the nature and what the marsh has to
7 offer.

8 THE CHAIRMAN: Bob.

9 MR. LUNSFORD: I have a, kind of a
10 question, given you have a limited number of Corps
11 planning capabilities and I don't think this thing
12 will happen in the next several years, I don't
13 think these island are going to last that long with
14 or without action by the committee or the
15 department, how do we explain to the boating public
16 in five years when we've got this restricted area
17 that they can't enter and there is no hard land to
18 be seen in there, I'm sure right now that most of
19 that is underwater now and when this tide goes out
20 this afternoon there is less than there was
21 yesterday at this time, so I guess, you know, long

1 term it's going to just be a weird restricted area
2 in open water in Isle of Wight Bay and I'm not sure
3 that's in the best interest of most of us.

4 THE CHAIRMAN: Mike.

5 MR. GRANT: Maybe just a clarification,
6 and the, this rectangle I placed as an, to
7 highlight the area, this was not a triangle or
8 specific area the petitioner gave me. This is the
9 area we're talking about, I think they really are
10 just talking about this area and this area, no
11 boats going through here or here (indicating).

12 MR. SHELLER: I'm sorry.

13 MR. GRANT: That's my interpretation.
14 Am I correct, George?

15 MR. MAYNARD: Yes.

16 MR. LEVITAN: You're only talking about
17 a half a mile difference if they have to go around
18 those islands to get gas or whatever and half, half
19 a mile is nothing.

20 THE CHAIRMAN: Chris.

21 MR. PARLIN: I kind of agree with the

1 original statement, we're fighting mother nature
2 here and while I would like to think that, you
3 know, it would be nice if they could preserve the
4 islands and get some fill in there, things don't
5 move quick in government. I think the island are
6 going to be all but gone by the time that any
7 projects come along that suit their needs, that's
8 my biggest concern. If you look overtime the, from
9 back in the 1800s where that shoreline was to where
10 it is now, this is a naturally occurring process
11 and in that bay and the Chesapeake Bay along any
12 coastal barrier island they constantly move, they
13 constantly shift, I think we're fighting mother
14 nature here.

15 THE CHAIRMAN: Jon.

16 MR. SELLER: Understanding what the
17 request of the petitioner is, can you just put a
18 couple of buoys and prohibit transit between the
19 islands.

20 MR. GRANT: Me or them?

21 THE CHAIRMAN: That was my understanding

1 that this was between the islands, it's not
2 anything associated with beside the islands, that's
3 my understanding that's just between the islands
4 where they would cut -- is that everyone's
5 understanding and clear on that? It's between the
6 islands -- because nothing to do with --

7 MS. TROVATO: Is that what the motion
8 was.

9 MR. KLING: I go back to my point of
10 order, I think we ought, I understand the sentiment
11 of the motion, I don't think we have appropriate
12 clarity to have anything to vote on.

13 THE CHAIRMAN: Yeah.

14 MR. SELLER: Withdraw the motion.

15 THE CHAIRMAN: Bob, that might be a
16 point of clarification.

17 MR. MCLEAN: The intent is to stop the
18 boat traffic and if the motion specifically is to,
19 I mean the petition is to specifically restrict it
20 now that we have multiple islands instead of one
21 island, that's fine, I agree with that.

1 THE CHAIRMAN: Make it clear on that.

2 MR. KLING: No, I don't think, no, I
3 don't think we're -- we're not, no, we're not
4 articulating anything that could be incorporated
5 into a regulation, I don't believe.

6 MR. PARLIN: And I have concern that
7 back to the, back to that the fact that thing
8 disappears, what do we do five years from now if we
9 set up a line and one of these other islands
10 disappears and we have that line in place, how do
11 we keep up with this thing? How do we, if, you
12 know, things shift next year will what we do today
13 fit next year or five years from now or 10 years
14 from now?

15 MS. TROVATO: You know, we did get a
16 report from the shoreline conservation service and
17 they did say the primary reason for the erosion
18 that has taken place at this property is due to
19 natural causes which are potentially exacerbated by
20 the water based motorized vehicles in that area.

21 MR. KLING: And I read that, Ramona and

1 the way I read that and particularly the earlier
2 report it's the transiting traffic up and down the
3 bay, which is not going to be affected by this.

4 MS. TROVATO: I see. Okay.

5 THE CHAIRMAN: Any more discussion? We
6 need -- John.

7 MR. BUSH: I have a quick suggestion
8 here. Would it be possible just to put a sign up
9 at these two openings that are currently being
10 utilized by jet skis on either side that would say
11 no motorized boats are allowed, you know, one here
12 and one there, on either side of that pass and that
13 would be full signs put up and you would not be --
14 I haven't finished yet, all right -- that to me I
15 think would, you would not be restricting boats
16 except for that one small section with a couple of
17 signs.

18 MR. PARLIN: Yeah, I agree with that and
19 I think that would be the easy way without having
20 to put out an entire rectangle around this thing is
21 to place two signs at each pass; however, the

1 concern is what happens next year when those two
2 signs are sitting here and the islands are now out
3 here and people are going on the outside of those?

4 MS. ALLISON: They wash away.

5 MR. PARLIN: It depends on if you put
6 them in the ground or floating or either way as
7 this area changes --

8 MR. BUSH: You're making an assumption.

9 MR. PARLIN: I'm trying to make it so
10 when we get further down the road because when we
11 put speed zones out there we have them for 30 years
12 and nobody has gone back and looked at them, so
13 usually when we put stuff in place it stays and we
14 kind of have to live with that.

15 THE CHAIRMAN: Al.

16 MR. SIMON: Where are the signs going,
17 in the land or in the water on the chance -- or
18 where are you, where are you putting these? Where
19 are you recommending these signs?

20 THE CHAIRMAN: Chris.

21 MR. PARLIN: I don't disagree, I think

1 that's actually a good solution because you are
2 defining a line, so I'm not totally against it, I'm
3 just concerned how do we keep this thing in check
4 as things change. Whether it be floating or fixed,
5 either way, I think that's for Louis and his folks
6 to figure out.

7 MR. WRIGHT: Some of that we already do,
8 I mean we've got a buoy that's there and then
9 there's also a jet ski sign on the north end of
10 that gap there and this area is visited every, at
11 least every year by the outfit, the crew out of
12 Crisfield because this is their service area
13 because they're servicing the buoys up in here for
14 that speed zone so as stuff changes and signs, you
15 know, go out in the water or whatever, we just take
16 and pull it back, you know, it funnels down, so it
17 would move. If it's key to the shoreline as it
18 exists then they would just move it accordingly.

19 THE CHAIRMAN: Ramona.

20 MS. TROVATO: I have a question for Bob
21 Lunsford, actually I have two. So we would visit

1 somewhere over in Virginia a few years back where
2 they had no motorized vessels, but you were allowed
3 to have kayaks and canoes.

4 MR. LUNSFORD: Call nail natural area.

5 MS. TROVATO: Can we do something there,
6 if that's a natural area? We don't want to
7 restrict anything.

8 MR. LUNSFORD: We can recommend a
9 similar regulation, yeah.

10 MS. TROVATO: Second question is can you
11 put in these regulations as a sunset or you have to
12 revisit it in five years or some kind of thing like
13 that?

14 MR. LUNSFORD: We have put sunset
15 regulation in. The last time I tried it the people
16 at the division of state documents called me up and
17 threatened my life.

18 MS. TROVATO: The reason I'm saying that
19 is because if they succeed in getting the Corp to
20 do what they want it would be great to save this
21 and if they don't then it's going to go anyway and.

1 MR. LUNSFORD: If you restrict it to, to
2 motorized vessels and the Corp could never use that
3 for a spoil site because the first thing they have
4 to dredge out to put in a barge and put in a
5 seawall for the containment for the dredge spoil.

6 MS. TROVATO: What if we did the channel
7 and not everything around it.

8 MR. LUNSFORD: I don't think the Corp
9 would do that.

10 MR. KLING: I think the Corp would ignore
11 us.

12 MS. ALLISON: This is probably for
13 George, is there any movement afoot in your overall
14 big game plan to try and protect what is still
15 existing, such as a, you know, either a seawall or
16 breakwater or something or riprapped.

17 MR. MAYNARD: Am I allowed to talk?

18 THE CHAIRMAN: Yes, you can.

19 MR. PARLIN: I was going to say real
20 quick, there was a letter from the coastal bays
21 folks who said that they --

1 MR. MAYNARD: Roman Jesien.

2 MR. PARLIN: Yeah.

3 MS. ALLISON: I'm sorry -- I got the
4 letter.

5 THE CHAIRMAN: Did you get the letter?

6 MS. ALLISON: I got the letter, is,
7 that's part your program?

8 MR. MAYNARD: Yes, ma'am.

9 MS. ALLISON: Do you all have any plans,
10 the Ocean Pines organization have plans to do that
11 or are you going to leave that up to the Maryland
12 Coastal Bays Program?

13 MR. MAYNARD: We're going to work in
14 conjunction with them, like I said we're, so we've
15 taken, we have a mile to go and we have moved about
16 10 feet so we, but we, we're going to do anything
17 that we can and turn any stone over that we can
18 also, so I would like to see that type of thing
19 happen, yes, I would also like to see that
20 eventually it's attached to the mainland, whatever
21 we can do is what I'm after and I know that's sort

1 of a vague answer.

2 MS. ALLISON: I mean I guess the point
3 is would the Ocean Pines group be willing to put
4 money into riprapping it or that kind of thing to
5 protect it?

6 MR. MAYNARD: You would have to, we have
7 the board, I mean, you know, budgets are tight now
8 and so forth, I'm not.

9 MS. ALLISON: That's why I'm asking.

10 MR. MAYNARD: Let's say -- am I free to
11 talk?

12 THE CHAIRMAN: Yes, you've been asked a
13 question, George, thank you.

14 MR. MAYNARD: I know there is an island
15 north of the 50 bridge called Skimmer Island that
16 went through restoration. I talked to Roman
17 actually just yesterday that was a public/private
18 endeavor that basically pumped stuff on to Skimmer
19 Island to save that and it was actually done
20 through the marine, the Sunset Marina, they
21 provided -- actually, they went out, but they have

1 a serious, serious, serious problems with infill
2 there because it's, you know, it's right there at
3 the entrance to the inlet and everything is silting
4 in and sanding in there so they literally went out
5 and bought a dredge. We don't have the financial
6 resources to buy a dredge or anything like that so
7 that's why we're depending on the Army Corps of
8 Engineers, but that is look -- look, we're not
9 excluding anything, a public/private thing would be
10 fine, then I'll have bake sales or whatever to do
11 it.

12 MS. ALLISON: If we're concerned about
13 it not being there in five years, I'm wondering if
14 you would do anything to protect it during that
15 time.

16 MR. MAYNARD: I would love to, anything
17 I do is probably going to come up against the Army
18 Corps of Engineers and we don't have permits or
19 anything for it.

20 THE CHAIRMAN: Was that a comment from
21 you, sir.

1 MR. KERSHAW: I don't think the rate of
2 erosion is going to be that fast, when I bought my
3 townhouse in 1999, it was basically divided at that
4 time in three island, it's still three islands now,
5 except the furthest island out is very, very small
6 and a lot of times at high tide it's covered by the
7 water, but the erosion since I bought my townhouse
8 is noticeable but it only gets speeded up by boat
9 traffic and that's part of the reason we're here.

10 MS. TROVATO: So the erosion rate from
11 the shoreline conservation said it's about 1.4 feet
12 a year, so in five years we're talking about losing
13 seven more feet at this rate.

14 MR. PEPE: Without a storm.

15 MR. DWYER: That's how the inlet got
16 there in one night.

17 THE CHAIRMAN: Steve.

18 MR. KLING: Yeah, I'm not -- this is a
19 very earnest obviously well considered request. I
20 have heard a couple of people say well we're trying
21 to create a nature preserve, I would suggest that's

1 not our charge or your job. We've reviewed, we
2 have our decisional criteria, those have been
3 embedded by the AG. Preserving, that's not our
4 job, that's other parts of state government and we
5 also know from lots of research which is not
6 contradicted by the report from the erosion folks
7 that shore line conservation people that the
8 relationship between boat wake and erosion is
9 virtually not existent, oh, the boats are causing
10 problems, well, boats sipping up and down the bay
11 are certainly throwing up some wake, we know they
12 dissipate within a hundred feet and I'm just
13 despite the feel good thing of this, I'm not sure
14 we're barking up the right tree.

15 THE CHAIRMAN: Russ.

16 MR. DWYER: I agree with Steve, I think
17 you're barking up the wrong tree, just the tide
18 action in and out every day is washing the same as
19 boats going in and out of that and I appreciate
20 what the guys are doing, trying to save it, but I
21 don't think we're going to save it.

1 MR. KLING: That's not our job.

2 THE CHAIRMAN: More comments? More
3 questions, more discussion before we call for the
4 question? Bob, your motion is to petitioners
5 request --

6 MR. MCLEAN: Yes.

7 THE CHAIRMAN: -- to restrict the
8 openings to boat traffic.

9 MR. MCLEAN: Yes.

10 MR. GRANT: Motorized.

11 MR. LUNSFORD: Or all?

12 MR. MCLEAN: My motion was for all and
13 the intent was saying all versus motorized is it be
14 comes easily enforced and easily signed and easily
15 watched if all traffic is restricted and if they're
16 going to approach the Corps of Engineers that is
17 going to be ongoing at some time, I understand the
18 Corp moves very slowly and all traffic should be
19 restricted in any opinion, that's why I made it
20 that way.

21 THE CHAIRMAN: Corporal, I would like to

1 get your feelings because you do patrol that area
2 and if you restrict to all boat traffic, would it
3 be one canoe, is that easier for you than it would
4 be to restrict motorized, when you see somebody in
5 there it's a violation?

6 CORPORAL CORBIN: I think it would be
7 just as easy to say that vessel under power and
8 easy to make that determination as well.

9 THE CHAIRMAN: More discussion? Steve,
10 more questions, discussion? I'm going to call for
11 the question, to restrict -- let's make sure we
12 understand what we're opposing. It's to restrict,
13 it's, the petitioners request --

14 MR. MCLEAN: Yes.

15 THE CHAIRMAN: -- to close down the two
16 areas to boat traffic period.

17 MR. MCLEAN: Correct.

18 THE CHAIRMAN: Whether you come in on
19 there in a dingy, no boat traffic, period.

20 MR. MCLEAN: Correct.

21 THE CHAIRMAN: Everybody understand

1 that? Everybody on board with that?

2 MR. GRANT: I'm sorry, to clarify the
3 petitioners request is for motorized vessels, so
4 you're not supporting the petitioners request,
5 you're changing it.

6 MR. MCLEAN: Yes.

7 THE CHAIRMAN: So the petitioners
8 requested just motorized. Would you want to visit
9 that and if a canoe goes through -- the corporal
10 said it's not, it's easy one way or the other,
11 that's the petitioners request if you say you want
12 to --

13 MR. MCLEAN: I'll go with the petition,
14 but to you me it makes more sense to restrict all
15 boat traffic, but I'll go with that.

16 THE CHAIRMAN: Al Simon second.

17 THE CHAIRMAN: We'll call for the
18 question. All in favor of the petitioner, the
19 motion on the floor by Bob, raise your hand,
20 please.

21 (Vote taken.)

1 MS. ALLISON: We didn't define year
2 round.

3 MR. GRANT: Boating season.

4 MR. GRANT: 1, 2, 3, 4, 5, 6.

5 THE CHAIRMAN: And all in --

6 MR. GRANT: Six in favor.

7 THE CHAIRMAN: And all opposed to that,
8 raise your hand.

9 (Vote taken.)

10 MR. GRANT: 1, 2, 3, 4, 5, 6, 7 in
11 opposition.

12 THE CHAIRMAN: Opposition to that
13 request will be moved on up to the secretary of the
14 department of --

15 MR. KLING: I think we need some closure
16 here, I offer a motion that we offer no change in
17 regulation, no additional regulation.

18 MR. DWYER: I second that.

19 MR. LUNSFORD: I was going to ask them a
20 question, Steve, before your motion and I
21 understand it's already been seconded.

1 MR. KLING: I'll withdraw if the second
2 is withdrawn.

3 MR. LUNSFORD: The six knot line which
4 runs pretty close to what was the edge of Jenkin's
5 Point that currently is the six, where the six knot
6 zone is if that were placed off shore another 50
7 yards and adequately marked so that boaters
8 entering that area would see the sign or see the
9 buoy before they got to that cut that may provide
10 some relief. I want that to be considered, but if
11 we've got a motion on the floor.

12 MR. KLING: No, we'll withdraw the
13 motion.

14 MR. LUNSFORD: If we move the six knot
15 buoy out a little further in the mouth of that cut,
16 that new channel between the point and what used to
17 be Jenkin's Point island, or what used to be
18 Jenkins point, does anybody on the committee think
19 that would address getting the boaters to slow down
20 to cut through there? And would that, would that
21 accomplish anything worthwhile?

1 THE CHAIRMAN: Any, any discussion.

2 MR. LUNSFORD: Or are we shoveling sand
3 against the tide?

4 MR. DWYER: I hate to see it too far out
5 because it be comes an obstruction at night.

6 MR. LUNSFORD: I agree.

7 MR. DWYER: I would rather put two buoys
8 in closer that really stands out.

9 MR. KLING: Bob, is what you're talking
10 about essentially extending the six knot limit to
11 the outer side of those islands?

12 MR. LUNSFORD: To the northeast, some
13 small amount, some small distance, some short
14 distance and as soon as we get done with our slide
15 rocket --

16 MR. KLING: Extending the six knot limit
17 out to say the rightmost red line.

18 MR. LUNSFORD: Perhaps or if that is.

19 MR. KLING: Maybe something closer in or
20 something of that nature.

21 MR. LUNSFORD: Something of that nature.

1 MS. TROVATO: For the whole length or
2 just the cut?

3 MR. LUNSFORD: I would angle from the
4 point with what's the northernmost corner of that,
5 from there down to about where the, what is that,
6 the 6 in the 316 on the outside corner, just angle
7 across that line and put a buoy by in front of each
8 one of those breaks and see if that works. If it
9 doesn't then again we can, we can revisit it in the
10 future, but I think the island will be gone before
11 we ever get around to revisiting it.

12 MR. DWYER: And you going to need buoys
13 on the inside.

14 MR. LUNSFORD: They exist, the existing
15 speed limit, yeah, there's already a couple of
16 buoys there and the reason I think about it is
17 because we moved the line out.

18 MS. TROVATO: Where does the six knot
19 start, on the inside?

20 MR. GRANT: Well, you can go, let's
21 see --

1 MR. LUNSFORD: The problem is that's so
2 small.

3 MR. GRANT: That's it, that's the island
4 (indicating).

5 MR. LUNSFORD: Within the circle where
6 the speed limit line is moving that's slightly to
7 the northeast.

8 MR. PEPE: I make a motion to define
9 that northeast line.

10 THE CHAIRMAN I think Steve --

11 MR. LUNSFORD: No.

12 THE CHAIRMAN: Steve, did you have a
13 motion?

14 MR. KLING: We withdraw the motion.

15 MR. LUNSFORD: For purpose of discussion
16 it's up to me to make a motion then I make a motion
17 that the current six knot line on that northeast
18 corner represented on the slide being shown on the
19 screen be moved to the northeast. Somebody give me
20 a number.

21 MR. PEPE: With buoys defining.

1 MR. LUNSFORD: With buoys defining the
2 line to the boaters approaching that cut know
3 they're in the six knot zone.

4 MR. PEPE: I second it.

5 MR. KLING: Could we extend the line
6 from the island out to the existing start of the
7 six knot limit?

8 MR. LUNSFORD: I don't know how that
9 would show. Do you have a slide that would show us
10 how that works?

11 MR. GRANT: Say again.

12 MR. LUNSFORD: From the current fastland
13 to the point out to where the distance is, the buoy
14 is right --

15 MR. GRANT: The buoy is here and then a
16 buoy out here and goes down, actually goes to this
17 point. The buoy is probably right about here, it
18 goes to this point and then up to here and then up
19 to here.

20 MR. PEPE: When we were down there on a
21 visit, we had talked about a more definitive six

1 knot marker on the northeast edge of that, of the
2 island or the fastland on the outer island because
3 it was not, the one six knot marker that was in
4 the, out in the channel is not visible from the
5 island.

6 MR. GRANT: So the one that is here
7 right now.

8 MR. PEPE: Down to the outer edge of the
9 island.

10 MR. GRANT: Okay.

11 MR. PEPE: There was nothing there to
12 define and I think Bob is proposing tied in with
13 that six knot marker that gives us a definitive
14 line.

15 MR. GRANT: Something in here.

16 MR. PEPE: At the edge of the island.

17 MS. TROVATO: So the whole island, the
18 whole set of islands would be in a six knot zone?

19 MR. PEPE: Correct.

20 THE CHAIRMAN: Properly marked.

21 MR. BUSH: I have a comment here, I

1 thought we had already made a motion and it had
2 been voted on and it's in effect.

3 MS. TROVATO: It failed.

4 MR. PARLIN: We can do another motion.

5 MR. GRANT: There is one on the floor
6 now.

7 THE CHAIRMAN: Bob, state your motion so
8 that we all understand it, if you would, please.

9 MR. PARLIN: Bob, Bob, how about if we
10 follow that red line, modify the zone as it is to
11 follow that outer red line and that point right
12 there be the six knot transition from the mainland
13 down to that point and to tie in with the existing
14 speed zone?

15 MR. LUNSFORD: That would be fine, I
16 think that accomplishes what we want, so the motion
17 is to modify the northeast side of the speed limit
18 line to is begin at the fastland at the upper
19 corner of that rectangle and extend out to the tip
20 of what used to be Jenkin's Point and then ties
21 back to the existing speed limit line on point of

1 shore as close as possible.

2 MR. KLING: Louis says that works.

3 THE CHAIRMAN: That will work.

4 MR. PARLIN: Bob that's your motion.

5 MR. LUNSFORD: Yes.

6 MR. PARLIN: Second.

7 THE CHAIRMAN: Motion on the floor and
8 second. You just heard the motion and Louis is
9 looking at it to see how that would fit in and now
10 we've, we'll have discussion on the motion.
11 Discussion about the motion.

12 MR. PEPE: I would just add to the
13 motion that the definitive six knot markers be
14 placed in both of the open areas, in front of both
15 open areas so that they're visible.

16 THE CHAIRMAN: Very visible.

17 MR. PARLIN: I agree.

18 THE CHAIRMAN: That's added to that.

19 MR. LUNSFORD: Yes.

20 THE CHAIRMAN: Mike, you have that down.

21 Any discussion? No discussion. Call for the

1 question. All of those in favor of Bob's motion
2 signify by raising your hand.

3 (Vote taken.)

4 THE CHAIRMAN: All of those opposed to?

5 (Vote taken.)

6 THE CHAIRMAN: Unanimous. That's the
7 recommendation to the secretary, that's what we do
8 is recommend to the secretary, so we don't have the
9 final say, it goes to his desk and so that's our
10 recommendation. Gentlemen I think that may, it's
11 not exactly what you wanted, but I think that might
12 be a helpful to accomplish some things that you're
13 after and it might not have been your total but it
14 hopefully will accomplish what you're after doing
15 to preserve those islands.

16 MR. CLARKE: It's a positive step.

17 Thank you.

18 THE CHAIRMAN: I think that will be a
19 step in the right direction to help maybe save
20 those islands. That's it. We're going to break
21 for -- we don't even need a break for lunch if we

1 all want to continue on.

2 (Discussion held off the record.)

3 THE CHAIRMAN: We appreciate your time
4 to come, we certainly, we certainly do.

5 (Discussion held off the record.)

6 (Hearing adjourned 11:42 a.m.)

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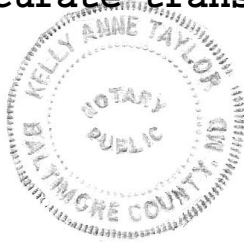
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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

3

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

8



9

A handwritten signature in cursive script that reads "Kelly Anne Taylor".

10

Kelly A. Taylor, Notary

Publicyou

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MARYLAND BOAT ACT ADVISORY COMMITTEE

Transcript of Maryland Boat Act Advisory Committee taken October 10, 2013 Index: completed..downplay

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