



Deposition of:  
**Maryland Boat Act Advisory  
Committee Meeting**

*October 21, 2019*

In the Matter of:  
**Boat Act Meeting**

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MARYLAND BOAT ACT ADVISORY COMMITTEE

FALL MEETING

OCTOBER 21, 2019; 10:00 a.m.

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REPORTED BY: DIANE HOULIHAN

## 1 TRANSCRIPT OF PROCEEDINGS

2 MS. CRAIG: Good morning. My name is Amy  
3 Craig, and I am chairperson of the Maryland  
4 Boat Act Advisory Committee. I would like to  
5 call this meeting to order.

6 Welcome to today's public meeting where we  
7 will hear testimony on regulatory request for  
8 the Little Annemessex River in Crisfield.  
9 During the meeting, we will only address the  
10 regulatory request I have listed.

11 This meeting will be recorded by a court  
12 stenographer and available for review on the  
13 DNR website within three to four weeks.

14 Please turn off all cell phones or  
15 communications devices or set them to vibrate.

16 I would like to take a moment to introduce  
17 our Committee members.

18 MR. JONES: Good morning. I'm Thornell  
19 Jones from Annapolis, Maryland. I'm  
20 representing the Coast Guard Auxiliary. I've  
21 been a member for 29 years. I sail and

1 powerboat.

2 MR. KLING: Good morning. I'm Steve

3 Kling.

4 MR. PEPE: Turn it off, Steve.

5 MR. KLING: I have a magnetic personality.

6 I'm Steve Kling. I live in the Annapolis

7 area.

8 Yesterday at this time I was cold and wet

9 sailing my boat in the rain.

10 And I've been boating a long time. My

11 wife and I are riparian property owners.

12 MR. PARLIN: Good morning. Chris Parlin.

13 Retired fire boat captain. Now a professional

14 yacht captain. Live on the Eastern Shore in

15 Centreville.

16 MR. HELLNER: Hi. I'm Joe Hellner from

17 Anne Arundel County. I'm a former Naval

18 officer trained in safe vessel navigation and

19 operation. I'm a lifetime boater in all types

20 of vessels, both sail and power, and including

21 30 years here on the Chesapeake Bay and

1 Maryland waters.

2 I'm also a past president of several local  
3 yachting associations and a member of the  
4 United States Forest Department.

5 MR. MARSH: Good morning. My name is  
6 Coles Marsh. And I feel right at home here.  
7 The Marsh family is over on Roads Point, all my  
8 family. So I kind of feel at home around  
9 Crisfield and Roads Point.

10 Grew up doing a lot of boating and even  
11 worked on the water and tonged some oysters  
12 when I was growing up and learned that maybe I  
13 didn't want to do that for a living.

14 But yeah. I grew up doing both power and  
15 sail and enjoyed it. Glad to be here with you  
16 this morning.

17 MR. PEPE: John Pepe. I'm from Oxford,  
18 Maryland. Marine surveyor by trade. Also  
19 maintain a 200-ton masters license.

20 MS. CRAIG: Is that everybody? I'm the  
21 chairperson, Amy Craig. I'm from Upper

1 Marlboro. Family boating, water skiing,  
2 tubing, whatever kids want to do to stay at  
3 home and hang out with parents. Keep that  
4 going as long as possible. Okay.

5 I would like to take a moment to explain  
6 how the Boat Act Advisory Committee public  
7 meetings are conducted.

8 The designated Committee members are a  
9 diverse volunteer group of boating enthusiasts  
10 who represent every region of the state.

11 Whether you're working aboard a commercial  
12 fishing vessel, charter boat, or enjoy  
13 paddling, personal watercraft, water skiing,  
14 wind surfing, swimming, sailing, fishing, or  
15 just cruising, the Boat Act Advisory Committee  
16 is knowledgeable and mindful of many safe uses  
17 of the state's waters.

18 The BAAC also is aware of concerns in  
19 water access benefits of the state's waterfront  
20 property owners, whether they are a sole  
21 parcel, a community, or commercially zoned.

1           The Committee takes their duties seriously  
2           with the greatest respect for the Chesapeake  
3           Bay and its tributaries and you, the citizens  
4           who come before us.

5           During deliberations, the Committee  
6           strives to accommodate the concerns and needs  
7           of all citizens who use the state's water.

8           The Maryland Department of Natural  
9           Resources liaison will present the specific  
10          regulatory request using PowerPoint exhibiting  
11          a nautical chart or overhead view map  
12          representing the area to be regulated. A tally  
13          of comments for or against the regulatory  
14          request will also be kept.

15          I will ask for testimony in favor of the  
16          proposed regulation and then ask for testimony  
17          in opposition of the regulation. As a speaker  
18          presenting testimony, you shall be limited to  
19          comments of three minutes. If speaking for an  
20          entire group, such as a community or an  
21          organization, you should identify what group

1 you represent and will be permitted ten minutes  
2 of testimony.

3 Those testifying will be allowed to speak  
4 only one time at the hearing. When it is your  
5 turn to testify and you happen to share the  
6 views of anyone who has testified before you,  
7 please briefly state so and take your seat.  
8 This will avoid redundancy. For the record,  
9 the testimony is all recorded.

10 If you have any handouts to support your  
11 request, please present them to the DNR  
12 coordinator when you approach the -- usually we  
13 have a podium -- podium so that they can be  
14 forwarded to the Committee members.

15 If you have an electronic presentation on  
16 CD, USB, or a thumb drive, please give it to  
17 the liaison in advance of your testimony so it  
18 can be loaded into the projector. An  
19 electronic presentation is not to exceed five  
20 minutes.

21 When presenting testimony, please speak



1 into the microphone, state your name clearly,  
2 and spell it for the court stenographer. When  
3 you are testifying, address the Committee and  
4 me only. There should no exchange between the  
5 person testifying and members of the audience.  
6 No one in the audience should address the  
7 Committee unless recognized by me.

8 We will do our very best to give everyone  
9 an opportunity to speak. If you disrupt the  
10 speaker or the meeting, a DNR officer may  
11 escort you from the meeting.

12 After citizen testimony, I will ask the  
13 NRP officers to comment on the proposed  
14 regulation. The NRP officers generally have  
15 much insight into an area, as well as data on  
16 arrests, warnings, accidents to support their  
17 comments.

18 If applicable, a DNR shoreline  
19 conservation report will be considered by the  
20 Committee.

21 After hearing all testimony, the Committee

1 will break for the lunch.

2 After lunch, the Committee typically goes  
3 into deliberations. Unfortunately, due to  
4 circumstances beyond our control, the Committee  
5 does not have a quorum today. Therefore, we  
6 will taking testimony only and will deliberate  
7 the regulatory request once all members have  
8 received testimony presented today.

9 We're hopeful to have the regulation  
10 request discussed, deliberated, and a  
11 recommendation for the secretary within the  
12 upcoming scheduled public meetings in October  
13 and early November.

14 If you decide to attend those meetings and  
15 wish the regulatory request is acted upon, you  
16 are welcome to stay and observe deliberations.  
17 However, you may not comment unless called upon  
18 by the chairperson. Please check back with the  
19 DNR liaison for the meeting date for  
20 deliberation on this request.

21 Following deliberations, the Committee

1 will vote on a recommendation for each request.  
2 Remember, the Committee charge is to make  
3 recommendations to the secretary. We do not  
4 have the final say over regulatory requests.

5 The following are possible outcome for the  
6 Committee's deliberations:

7 The Committee may vote to take no action,  
8 which means we reject the regulatory request  
9 and recommend no change to the waterway. If  
10 the secretary accepts this, then the request  
11 cannot be resubmitted for three years.

12 We may vote to accept the regulatory  
13 request, or we may vote to accept the  
14 regulatory request but with modifications.

15 After this, the staff will prepare a  
16 formal presentation of the Committee's  
17 recommendations for the secretary for each  
18 regulatory request. The secretary may accept,  
19 reject, or modify the Committee's  
20 recommendations.

21 If the request is accepted, the proposed

1 regulation will continue through the legal  
2 process and become law effective during the  
3 next boating season. If the secretary modifies  
4 the Committee's recommendation, the new  
5 proposed regulation will move through the legal  
6 process and be accepted or challenged by the  
7 petitioner.

8 The progress of any proposed regulation,  
9 one that is approved by the secretary, may be  
10 tracked on the DNR boating website under  
11 regulations.

12 The transcript of today's meeting will be  
13 posted on the DNR boating website under  
14 regulations and under meeting and archives in  
15 approximately three to four weeks.

16 If there are no procedural questions from  
17 the audience, I will -- I already had you guys  
18 introduce yourself. The first request, the  
19 only request.

20 MR. SIMONSEN: Here we are. I read it  
21 earlier. If you would like me to, I can read

1 it again.

2 This was received by one of the  
3 petitioners, Mr. George Tawes. Was received by  
4 U.S. certified mail to our office on April 3,  
5 2019, with his notations on that colored chart.

6 This area of regulatory concern and why  
7 we're here today is in those yellow parallel  
8 lines that you can see of the area.

9 At this time, we can move forward to give  
10 testimony for those in favor. And I have a  
11 list of the names here that have signed in for  
12 that would like to speak.

13 Can I see a show of hands for the people  
14 that are for it that would like to speak?

15 MS. CRAIG: Can we have the petitioner  
16 first?

17 MR. SIMONSEN: We sure can.

18 MS. CRAIG: Thank you.

19 MR. SIMONSEN: What I'd like to ask,  
20 again, is if you share the views of a statement  
21 that has been from somebody before you, please

1 just take the podium and let them know that you  
2 agree with what was just said before you just  
3 so we're not taking over redundancy.

4 I do have a mike running. We have a  
5 couple of members here that have some items  
6 that are taking WiFi (inaudible) have gotten  
7 feedback. But you certainly can have this  
8 podium and listen to the main petitioner,  
9 Mr. George Tawes, first.

10 MR. TAWES: Well, first of all, I want to  
11 wish everybody good morning.

12 SPEAKER: Can you state your name?

13 MR. TAWES: And George Tawes, spelled  
14 T-A-W-E-S.

15 I want to thank y'all for taking your time  
16 and coming down to conduct this meeting. I had  
17 no idea it was quite so involved or involved  
18 quite so many people. And I appreciate you  
19 being here this morning.

20 Actually I have notes here that will go  
21 beyond three minutes. I'll try to condense

1           that.

2           To give you a little background, I was  
3           born and raised and have lived all my life here  
4           in Crisfield. I've been going on the water  
5           since before I was ten years old. I was gill  
6           netting commercially when I was 14 years old.  
7           I got my first Coast Guard masters license in  
8           1982 and held that until 2016.

9           I spent my last six working years working  
10          for the Vane Brothers on an ocean-going tug as  
11          a deck hand.

12          My primary reason for asking for this  
13          regulatory change or the new regulation is the  
14          safety of all the boaters who either transit  
15          this area, moor in this area, or any way  
16          involved in this area.

17          The area not only includes the main city  
18          dock where the mail and freight boats tie. As  
19          a matter of fact, all of the mail and freight  
20          boat captains signed my petition in favor of  
21          this regulation. It also involves the county

1 dock. And you can see there are two workboats  
2 tied there now. They're frequently loading and  
3 off loading pots or crabs or other equipment.  
4 And if a boat goes up this channel at too great  
5 a speed, they get beat and banged against the  
6 dock.

7 Also, right in this area is Millburn  
8 Machine Company. They usually have a boat in  
9 there being worked on. And I have, since I  
10 live on this corner of this condo right here,  
11 seen the boats in there take a thorough  
12 thrashing from the wakes of boats coming up and  
13 down this channel.

14 And of course, in addition to that, we  
15 have the Harbour Light Marina, which has 91  
16 slips. And there are usually 30 to 40 boats in  
17 there.

18 MR. SIMONSEN: Here's a laser pointer.

19 MR. TAWES: Thank you.

20 MR. SIMONSEN: You push that red button  
21 right there.



1 MR. TAWES: I'm not used to these things,  
2 but I appreciate it.

3 I was looking for my boat, but it's not in  
4 there. That's my slip right there. I have a  
5 42-foot Jones boat.

6 But the problems we are having is a lot of  
7 the boats are cutting real close to our  
8 bulkhead. And usually the pleasure boats are  
9 going at excessive speed. Some of the  
10 workboats go by too fast carrying too much sea.  
11 And if you're moored here or even inside the  
12 marina, you can take a pretty good roll.

13 Actually, I believe this mark here may be  
14 off a little bit. I believe that white buoy is  
15 a little further up channel, but it shows it on  
16 that color chart.

17 This area, I've measured it, is a little  
18 over four-tenths of a nautical mile. I've run  
19 it and timed it at six knots. It takes four  
20 minutes and a few odd seconds to cover that  
21 distance at six knots. I think six knots is a

1 safe and reasonable speed.

2 If you were to go through that same area  
3 at 12 knots, you would cut your time transiting  
4 in by what, two minutes. Right? If you were  
5 to go through that area at 24 knots, you would  
6 cut it by three minutes.

7 So we're not really talking about asking  
8 someone to spend half their day trying to get  
9 through the area in the interest of safety and  
10 in the interest of not beating and banging the  
11 boats that are moored along that waterfront and  
12 in that marina.

13 I've been aboard my boat inside the marina  
14 cleaning it. And I'm a little wobbly, I admit.  
15 But I've had boats go by there that carried so  
16 much wake that when it went through our  
17 breakwater, it still almost threw me off my  
18 feet. And I don't think that's necessary.

19 I will say that the majority of the  
20 commercial boats are being considerate, and the  
21 majority of them are keeping their speeds

1 moderate and their wakes under control.

2 The speed factor is mainly a pleasure boat  
3 thing.

4 And right off the entrance to our marina,  
5 can we put that up there, Mike?

6 MR. SIMONSEN: Yes, sir.

7 MR. TAWES: In 2018, I was in a boat with  
8 one of the gentlemen right here. We were  
9 returning from a fishing trip. We were coming  
10 around this corner getting ready to make our  
11 turn into the marina here.

12 A boat came around this point doing  
13 between 25 and 30 miles an hour. I happened to  
14 lean over our stern and see is coming, and I  
15 alerted the man running the boat, Mr. Patey,  
16 there's a boat coming up behind fast.

17 We were about 40 to 50 feet off this  
18 bulkhead in preparation to maybe our turn to  
19 starboard into the marina. That boat passed  
20 between this bulkhead and the starboard side of  
21 our boat doing nearly 30 miles an hour.

1           If Mr. Patey had started to make his  
2           starboard turn, we would have been broadsided  
3           at 30 miles an hour.

4           This is the type thing I do not want to  
5           see happen.

6           I want to ask y'all a question. How many  
7           in this room, and I want to see a show of  
8           hands, have ever been run over by another  
9           boat --

10          MS. CRAIG: You can present testimony, but  
11          you can't ask questions.

12          MR. TAWES: Okay. Well, I would have  
13          liked to have seen the hands.

14          I have been. I've been run overboard, run  
15          over by a boat doing 25 miles an hour and  
16          knocked overboard. And I don't want to have to  
17          go through that experience again, and I don't  
18          want any of y'all to have to go through that  
19          experience again.

20          And that is my primary reason for  
21          requesting this regulation.

1 MR. SIMONSEN: Thank you, sir. Thank you.

2 MS. CRAIG: Okay. Do we have Ronnie  
3 Robinson?

4 MS. ROBINSON: Hi. My name is Ronnie  
5 Robinson, R-O-B-I-N-S-O-N.

6 MS. CRAIG: Sorry. Does anybody on the  
7 Committee have any questions for Mr. Tawes?

8 MR. PEPE: Do you want to ask questions as  
9 we go along or wait until all testimony?

10 MS. CRAIG: Why don't we ask questions  
11 after each, after the petitioners so that we  
12 can let them leave if they need to.

13 MR. PEPE: I do have a question. Yeah.  
14 Mr. Tawes, I was just wondering, on the north  
15 end of this request, by your marina?

16 MR. TAWES: Yes.

17 MR. PEPE: How was that location chosen  
18 for the end of this six-knot zone?

19 MR. TAWES: There's an existing white wake  
20 caution buoy there now. It's been there for  
21 years.

1 MR. PEPE: Right.

2 MR. TAWES: And I believe it's a little  
3 further north than that red dot. If you look  
4 at that color chart, I think you can see it.

5 It's, like I say, it's already in  
6 existence. It's been there for years. And  
7 there's also been one down here just adjacent.  
8 The beacon and buoy number, the marks are  
9 numbered incorrectly. This is an old chart.  
10 The green beacon in here is number 11, and the  
11 day mark in about this area is 11A. And  
12 actually the junction beacon there is CH, not  
13 CR.

14 But between 11A and CH, there's an  
15 existing white buoy that should mark the upper  
16 limit of this regulatory area.

17 MR. PEPE: My reason for asking that  
18 question is because it looks like that the end  
19 of that speed zone, if you are coming south, by  
20 the time you get to that, the damage has  
21 already been created as far as wake going into

1 that marina.

2 MR. TAWES: That's true.

3 MR. PEPE: And that was the reason I was  
4 wondering why you didn't ask if you're going to  
5 do this, to ask for it to be further out by --  
6 I mean you're talking about 1,000 yards maybe.  
7 But it would -- if this is something that's  
8 going to be done, that's one of the things that  
9 has caught my eye. That's my reason for  
10 asking.

11 MR. TAWES: I personally would be very  
12 satisfied to see the northern limit be where  
13 that current existing white buoy is. And I  
14 think that would provide us adequate  
15 protection.

16 The problem you run into a lot of times is  
17 some captains, when they see this buoy coming  
18 up, will begin to slow before they get there.  
19 I always do when I'm coming into the Crisfield  
20 Harbor. I slow before I get to that white  
21 buoy. I know it's there, and I know what it

1 says. And if you're southbound, you should  
2 really be doing the same thing.

3 Now, a lot of people wait until they're  
4 past the buoy because they're anxious,  
5 whatever, I don't know.

6 But I can't see the point in going through  
7 that area at a fast speed, I'm going to say in  
8 excess of six knots, unless you're headed to  
9 the emergency room at McCready Hospital with an  
10 injured individual.

11 MS. CRAIG: Any other questions?

12 MR. HELLNER: Mr. Tawes, why does your  
13 petition request for all times, seven days, say  
14 as opposed to just more busy times, Saturday,  
15 Sunday, and holiday?

16 MR. TAWES: I have thought about that.  
17 But if you change that to now again, here  
18 again, off again, the people will have trouble  
19 following that. The public will have trouble  
20 keeping track I think of when they're supposed  
21 to slow down.



1 I envision that if this regulation is  
2 enacted, then the DNR can enforce this.

3 Right now they tell me they cannot enforce  
4 wake caution zone. It's merely a suggestion to  
5 the boater when he sees that buoy, that he  
6 should consider slowing his speed and reduce  
7 his wake. But there's nothing they can do.  
8 They can't stop someone and say hey, you're  
9 going too fast. If you do it again, I'm going  
10 to give you a warning. If you do it again, I'm  
11 going to give you a ticket.

12 So there needs to be some teeth there and  
13 I think it needs to be consistent, and I think  
14 it needs to be year-round.

15 MR. HELLNER: Thank you, sir.

16 MS. CRAIG: Anyone else have questions of  
17 Mr. Tawes? No. Okay.

18 MR. KLING: When was this marina  
19 constructed?

20 MR. TAWES: I believe the first building,  
21 the center building, was built in '05 and the

1 marina shortly thereafter. Probably '06. But  
2 I'm not positive of that.

3 I live in the third building. That was  
4 the last one constructed. I moved in there in  
5 2014.

6 MS. CRAIG: Thank you.

7 MR. HELLNER: One more question for  
8 Mr. Tawes. Since we're on the marina, that  
9 reminded me of a question I wanted to ask.

10 Has the marina explored any type of wake  
11 attenuation? I know they have the outer wall.

12 MR. TAWES: Right.

13 MR. HELLNER: It pretty much lets waves  
14 come in. Have they explored the (inaudible)  
15 wake attenuation?

16 MR. TAWES: Nothing beyond what is  
17 currently there at this time.

18 MR. HELLNER: Okay.

19 MR. TAWES: The chairman of our board is  
20 here, if you wanted to ask him anything about  
21 it. Mr. Steve Mazzella.

1 MS. CRAIG: He's on our list. We'll get  
2 to him. Thank you.

3 MR. HELLNER: Thank you, sir.

4 MS. CRAIG: Anyone else? Okay.

5 Ms. Robinson. Thank you. Sorry.

6 MS. ROBINSON: Ronnie Robinson. I have a  
7 sailboat and a boat slip in Harbour Light  
8 Marina. Would just like to agree with George's  
9 comments. Thank you.

10 MS. CRAIG: Thank you. Mr. Cunningham.

11 MR. CUNNINGHAM: Hi. Charles Cunningham.  
12 C-U-N-N-I-N-G-H-A-M. Also have a slip and a  
13 powerboat in Harbour Light Marina, unit owner,  
14 and fully agree and support Mr. Tawes' comment.

15 MS. CRAIG: Any questions from our  
16 Committee?

17 Joel, last name.

18 MR. BRYAN: Joel Bryan. I don't have a  
19 boat, but I live in building two.

20 MS. CRAIG: Can you spell your name for  
21 the stenographer?

1 MR. BRYAN: Bryan, B-R-Y-A-N, my last  
2 name. First name, Joel, J-O-E-L.

3 I don't have a boat. But I live in  
4 building two, and I fish out off of the dock  
5 and crab.

6 And these boats come by real close to the  
7 dock. See how wet I can get and why I'm trying  
8 to fish. I am a handicapped person. And when  
9 they come by with that wake so much, like last  
10 week, it was extra high tide, you couldn't fish  
11 there because you would get wet from the boat  
12 coming by.

13 And they go by a bat out of hell. Not  
14 just -- the watermen go very slow. But the  
15 other boats coming out there go fast in and  
16 out.

17 I don't think they can read because we got  
18 signs saying slow wake. They don't help any.  
19 They go twice as fast. So we have to do  
20 something for safety. And the way they're  
21 driving these boats out here is not safety.

1 MS. CRAIG: Any questions from the  
2 Committee? Thank you, sir.

3 Brian Wetcher.

4 MR. WETCHER: Brian with an I. Wetcher,  
5 W-E-T-C-H-E-R. I also have a place in Harbour  
6 Light with a slip and a boat as well.

7 I agree with everything that Mr. Tawes has  
8 said. I also agree that the map, what this is  
9 showing is incorrect because the white buoy  
10 is -- you wouldn't be able to see it. It will  
11 address what you were asking, which was when  
12 they're coming south, if they stop here, yeah,  
13 the entire C dock gets hammered. So that's  
14 incorrect.

15 I do have something I want to read. I'll  
16 paraphrase in the beginning and then I'll fill  
17 it in later.

18 If you must drive, please go slow. Do not  
19 create a wake. Waters are remaining high and  
20 we are expecting another higher than normal  
21 tide around one a.m. Please be respectful of

1 your neighbors. Thank you in advance for your  
2 patience and understanding.

3 This is from Barry Dize, the mayor of  
4 Crisfield. This has nothing to do with water.  
5 This is all about the high tide and cars  
6 driving through the puddles in the road.

7 A truck or a car with ten-inch tires going  
8 through some high water does not create nearly  
9 the wake that a 30 or 40-foot boat with a ten  
10 or 12-foot beam and a two-foot draft does on  
11 the water.

12 So this really is all -- what he's saying  
13 is all we're really asking for, is respect of  
14 our neighbors.

15 I've been out there on my dock, on C dock.  
16 C dock.

17 MR. SIMONSEN: Here you go, sir. Want to  
18 take the podium?

19 MR. WETCHER: Sure. So A dock. I guess I  
20 don't need to get close if I have a pointer.  
21 That's A dock, that's B dock, this is C dock,

1 D, E, F.

2 So what gets the brunt of all this is A  
3 dock and C dock. Obviously definitely coming  
4 on the southbound, C dock gets hammered.

5 What was I even talking about?

6 MR. SIMONSEN: Comparison.

7 MS. CRAIG: Respectful of your neighbors.

8 MR. WETCHER: That's right. I was talking  
9 about C dock.

10 I've been out cleaning my boat, doing  
11 things on C dock. And some of the -- if it's a  
12 smaller powerboat just going fast or definitely  
13 if it's one of the bigger boats, obviously they  
14 have more draft. So even slow, they still have  
15 a wake. But that entire C dock, it shakes. I  
16 mean I've been out there days where I've had to  
17 widen my stance so I would not lose my balance.  
18 And I'm a little bit more stable than George.  
19 It does get wobbly.

20 Like I agree with George. Many of the  
21 watermen are really respectful. Coming

1 northbound, they'll start to gas up right about  
2 here. When they gas up out here, their wake  
3 goes out here. It doesn't affect anything.

4 Coming in, they'll slow down further up  
5 and then they'll gas up about here, which their  
6 wake doesn't really affect anything here.

7 Obviously, it can still affect most of this.

8 Most of them are going wide.

9 There's many who are purposefully  
10 disrespectful. It's pretty obvious because  
11 when they come by, you hear them making jokes  
12 about the signs, which I made and I installed.  
13 They make jokes about the signs. They come  
14 close.

15 I actually had a workman working off --  
16 that, that's my boat right there. When I was  
17 getting my lift put in, the workmen were  
18 telling me that there was a boat that would  
19 come by. It actually came by twice. Actually  
20 hammered right -- I mean he was almost touching  
21 a couple of times. And he was laughing because



1 they're out there on a little barge and trying  
2 to put in our slip. And they almost fell in.

3 MS. CRAIG: Mr. Wetcher, we need to let  
4 everybody have a chance to speak.

5 MR. WETCHER: Oh, am I at three?

6 MS. CRAIG: You're at five.

7 MR. WETCHER: I ramble. Sorry about that.

8 But actually one person cut the corner and  
9 the boat actually hit the corner right there of  
10 C dock.

11 So I apologize for going long. I can sit  
12 here and chat all day.

13 MS. CRAIG: Any questions from the  
14 Committee?

15 MR. HELLNER: I do one have question. You  
16 mentioned, and several people have, that that  
17 should have been drawn to the white buoy that's  
18 out there, which I think you noted you placed,  
19 you testified --

20 MR. WETCHER: No. The signs, I made the  
21 signs that say slow.

1 MR. HELLNER: I stand corrected. The  
2 signs. Got it.

3 Nevertheless, the white buoy is out there.  
4 Would you -- is the right side as we're looking  
5 at it end of the yellow line correct? Is  
6 that -- or Mr. Tawes. You are the petitioner.

7 Several people have noted what we're  
8 looking at is not correct, and I don't want to  
9 get the wrong thing in my head.

10 MR. SIMONSEN: I can also take it down to  
11 here.

12 SPEAKER: The white end should be up here.  
13 That's correct.

14 MR. WETCHER: I can point it out from the  
15 other picture probably about where it is, the  
16 bigger picture. And you guys can correct me if  
17 I'm wrong. But that white marker is probably  
18 about there somewhere. Would that be about  
19 correct?

20 MR. TAWES: I think so. It's on the west  
21 side of the channel.

1 SPEAKER: It's past that dock.

2 MR. WETCHER: Yeah. It's past the end of  
3 that. It's somewhere right about here.

4 MR. HELLNER: So where should the  
5 right-hand line, the yellow lines on that  
6 should have been drawn where? To the end of C  
7 dock --

8 MR. WETCHER: Probably somewhere about  
9 like here.

10 MR. HELLNER: Okay.

11 MR. WETCHER: That's -- when I saw this  
12 map when I first came in, I was like that  
13 doesn't seem quite right. Yeah. It doesn't do  
14 any kind of protection for the entire dock  
15 right here.

16 MR. HELLNER: And I would ask the  
17 petitioner. Is that correct, what you were  
18 asking for is from the end of C dock to the  
19 white buoy?

20 MR. TAWES: Yes, sir, that's correct.

21 MR. HELLNER: Thank you.

1 MS. CRAIG: Any other questions of the  
2 Committee? Thank you.

3 MR. PEPE: Amy.

4 MS. CRAIG: Yes.

5 MR. PEPE: Just one quick question. You  
6 made mention to having workmen out there on the  
7 barges doing some work and yourself being put  
8 into a dangerous situation.

9 Has anybody made a complaint to DNR about  
10 unsafe boating practices, heavy wakes, damage  
11 or anything as far as you know in your marina?

12 MR. WETCHER: Oh, I know people, I know  
13 people mentioned it. I've mentioned things to  
14 DNR.

15 MR. PEPE: Have you ever --

16 MR. WETCHER: Nothing formal. Just kind  
17 of chitchat as far as I wasn't there when the  
18 guys doing our lift was doing the work. I  
19 don't know if they said anything or not. They  
20 just told me yeah, you got some guys that  
21 didn't like us being there.

1 MS. CRAIG: Any other questions from the  
2 Committee? Thank you.

3 Mr. Mazzella, please.

4 MR. MAZZELLA: Good morning. I'm Steve  
5 Mazzella, M-A-Z-Z-E-L-L-A. I'm the president  
6 of the Harbour Lights Condo Association.

7 So I've got two different aspects, one as  
8 a boat owner and one as a representative of the  
9 association.

10 First, as a boat owner, I own two boats at  
11 the marina. One is on the lift and my other  
12 one is in the water. The one that's on the  
13 lift, I've had numerous incidents where I was  
14 lowering or raising the lift and the wakes  
15 basically threw the boat pulley off of the lift,  
16 raising and lowering. Also, it's very  
17 difficult to board and unboard the boat with  
18 wakes going through with the lift.

19 As far as the boat that's in the water, it  
20 has sleeping accommodations. I was sleeping  
21 one morning, and I was actually rolled out of

1 bed from a wake from a boat. I don't know  
2 which boat it was. That was very unusual, and  
3 I never had experienced that before.

4 I have also witnessed a person who is  
5 here, Charlie Bounds, trying to get on his  
6 little John boat, a wake went through, and he  
7 almost was tossed into the water. And I have  
8 sent that to Mr. Mike as far as testimony and  
9 promise of this petition.

10 I agree with George Tawes, Joel, and Brian  
11 on everything they said. The signage doesn't  
12 appear to work. It seems to be a joke or an  
13 instigator for unsafe boating practicing.

14 We have also -- I fish on the end of that  
15 A pier where the channel comes in and have  
16 numerous had to hold onto poles in order to  
17 wait for the boats to go by and then resume  
18 fishing. I've never experienced anything like  
19 that before.

20 As far as the condo association, we did  
21 not have a budget for repairs of the marina

1           until about five or six years ago. Then we had  
2           a major \$40,000 assessment to repair our, not  
3           the poles or anything, but the bulkhead and the  
4           boards and everything due to waves and  
5           excessive wakes, shaking and shaking and  
6           shaking. It happens daily, in the morning, in  
7           the evening, all day, all the time whenever a  
8           boat goes by at excessive speed and wakes.

9           Now, we currently have a budget of \$15,000  
10          a year to repair all of this damage every  
11          single year. And that seems to be the  
12          situation with that.

13          So as far as the board, we are -- as far  
14          as what George was saying, do we need it 24,  
15          seven. For the safety of people going in and  
16          out, probably not. But for the damage to the  
17          marina, yes.

18          Have we ever looked at other alternatives  
19          to the bulkhead. We have looked at installing  
20          riprap. However, due to the depth of the water  
21          at that area is over 12 feet. And I believe we

1 have to do 24 feet wide in order to do that,  
2 which would be definitely into the channel. So  
3 the riprap didn't look like a possible solution  
4 on that. But we are to the point now where we  
5 are going to have to do major repairs on this  
6 bulkhead, in this bulkhead here, of the boards  
7 going down, the cross boards and the structure  
8 of the marina.

9 So that's my testimony.

10 MS. CRAIG: Any questions? Mr. Parlin.

11 MR. PARLIN: I was there at the marina a  
12 few weeks ago. And I noticed that A pier has a  
13 lot of sway to it.

14 Has anybody looked into a different type  
15 of construction for that because it seemed like  
16 the bulkhead at the end of A pier was pretty  
17 sturdy? It wasn't moving at all, but that A  
18 pier was just flexing back and forth --

19 MR. MAZZELLA: Right now the A pier is  
20 missing at least three or four cross beams.  
21 And that's why it's experiencing that.



1           In addition, there's a beam that's halfway  
2 down holding all of those things. That has to  
3 be significantly repaired, and it's not holding  
4 anything together right now.

5           We have a repair order with a local  
6 contractor to repair that. We did, after we  
7 finished our initial repair, it strengthened  
8 everything. So now we are in another  
9 disrepair. So we have three things, three  
10 cross beams that are currently missing right  
11 now.

12           Yes, sir.

13           MS. CRAIG: Mr. Marsh.

14           MR. MARSH: Quick question. How much  
15 damage do you see when you have a good  
16 Nor'easter come roaring up --

17           MR. MAZZELLA: A Nor-easter is a different  
18 animal. It does sway the marina a little bit,  
19 but those are surface waves. They are not deep  
20 waves that actually impact the actual docks  
21 itself. That surface wave will do a minimal

1           sway right now because we are missing a lot of  
2           superstructure that is under repair, is  
3           scheduled for repair right now.

4           The whalers, correct, the whalers.

5           MR. PARLIN: How did the superstructure  
6           get damaged? Where did you see this happen?

7           MR. MAZZELLA: The superstructure got  
8           damaged. We noticed that the bolts were  
9           getting loose from the docks constantly shaking  
10          and they let loose. And then we found the  
11          actual boards in our marina. We fished them  
12          out. They're actually on our dock right now.

13          MR. MARSH: Thank you.

14          MR. MAZZELLA: We've tried other measures  
15          to secure the nuts with 5,200 and a couple of  
16          other things that the construction company has  
17          recommended, double nutting and all that stuff.  
18          Over time, they still give way.

19          MR. MARSH: Thank you, sir.

20          MS. CRAIG: Any other questions from the  
21          Committee?

1 MR. PEPE: Just a quick question. Your  
2 wave attenuation wall, did I read somewhere  
3 that it does not contact the bottom?

4 MR. MAZZELLA: Correct, it does not  
5 contact the bottom --

6 MR. PEPE: It's free-floating wave  
7 attenuator?

8 MR. MAZZELLA: Correct. And that was a  
9 regulation to let the turtles and the wildlife  
10 go through. That's correct.

11 MS. CRAIG: Any other questions?  
12 Mr. Kling.

13 MR. KLING: What I think I heard you say  
14 is you're making a distinction between the  
15 energy from wake and the energy from storm  
16 driven, and you see no damage, no fundamental  
17 damage from storm driven.

18 MR. MAZZELLA: Correct, correct. Those  
19 are surface waves, not the deep waves that are  
20 causing the damage.

21 MS. CRAIG: Mr. Hellner, do you still have

1 a question?

2 MR. HELLNER: Yeah. The wall was  
3 mentioned, which reminded me, why are there  
4 gaps in the wall?

5 It seems like when I observed your marina  
6 and I saw various boats go by, and also I saw a  
7 fairly large (inaudible) from the south that  
8 particular day, the waves were just rolling  
9 right through like the wall didn't exist. Is  
10 there a reason it was designed that way?

11 MR. MAZZELLA: I don't know the reason why  
12 it was designed that way. There's less than an  
13 inch or inch gap between each of the whalers.  
14 I don't know if that's the industry standard or  
15 not, but that's how it was designed.

16 MR. HELLNER: Thank you.

17 MR. MAZZELLA: You're welcome.

18 MS. CRAIG: Any other questions? Thank  
19 you.

20 Randy Patey. Please spell your name.

21 MR. PATEY: My name is Randy Patey,

1 R-A-N-D-Y P-A-T-E-Y.

2 And I just wanted to reiterate what  
3 everybody has said is very correct. And I was  
4 the one driving the boat when Mr. Tawes and me  
5 was coming in.

6 I've been boating for 40 years. That's  
7 one of the scariest incidents I have ever been  
8 in. We almost got broadsided by a boat running  
9 30 miles an hour.

10 But the question you was asking. I think  
11 the sea wall with those gaps, and I'm no  
12 engineer or nothing, but were probably put in  
13 to let the stuff out, like your grasses.  
14 Instead of washing into the marina, can escape  
15 and out of your marina.

16 But I'm on A pier, which you all have  
17 pointed out. But I'm on A pier, which you all  
18 know it's like a snake. When we get the winds  
19 down there, I've only been there like two, two  
20 and a half years. But I've been on the Eastern  
21 Shore my whole life.

1 James Island blocks a lot of it. You get  
2 the little wave, but it's not like a swell with  
3 a boat. You'll get some rough seas and rough  
4 water coming in there, but it's nothing like a  
5 wake of a boat. Because (inaudible) is  
6 breaking it. Crisfield breaks it. The boats  
7 is what really, you just get such a high wake.

8 I have the video on my phone. I'm not  
9 going to waste it and show it to you. But we  
10 just had these really high tides this last  
11 week. A pier actually was under water. You  
12 couldn't get to your boat.

13 I was walking down checking my boat and  
14 the ropes. It was kind of scary and spooky. I  
15 had a couple of boats go by. I mean it was  
16 like an Ocean City wave coming across the whole  
17 dock because they didn't even slow down with  
18 the high, high tides. Just blow through there.  
19 And it was like an Ocean City wave coming  
20 across the whole pier. Everything was just  
21 rocking in there. We get a lot of high tides.

1 I want to thank Brian for what he did with  
2 the signs and stuff, but nobody is paying no  
3 attention. He put a huge red sign, please slow  
4 down, you're responsible for your wake and  
5 stuff out there. Nobody pays no attention to  
6 that.

7 And I don't think DNR waste their time  
8 because nothing is going to be done, you know.

9 So I just, I agree with what everybody is  
10 saying here.

11 MS. CRAIG: Thank you, sir. Any  
12 questions? Thank you. Allan Brown.

13 MR. BROWN: Allan Brown, A-L-L-A-N  
14 B-R-O-W-N. I also live at Harbour Lights.

15 I really don't have a whole lot to say  
16 other than times change. Prior to the condos,  
17 I'm sure that that waterway was a free runway  
18 for everyone to go through.

19 But now there's a condo there. There's  
20 people that live in there. It's just like a  
21 city that doesn't have a traffic light. As the

1 town grows, you need to have some kind of  
2 restrictions and/or laws, slow people down,  
3 stop them, what have you not.

4 And now that we got all these boats in  
5 there, the amount of damage it's caused to our  
6 decks, our piers, our people's safety and so  
7 forth. I just think it's that time now, before  
8 someone does get hurt. It's just like an  
9 intersection where too many accidents happen.  
10 Now we just step in and say okay, now we need  
11 to put it up. Well, let's do that before that  
12 occurs, before someone tragically gets injured  
13 and/or another issue occurs.

14 A lot of money is sitting out there  
15 amongst those boats. I'm sure you all have  
16 them. You put yourselves in our situation,  
17 would you want a boat to come that close to  
18 your unit, your boat, and/or destroy your  
19 personal property?

20 I'm sure that -- and I hate to even say  
21 this. But to take our boats and take it down



1 to where possibly those other boats are moored  
2 at and go through those speeds that these guys  
3 are coming through around our area, I'm sure  
4 the situation would be totally turned around.  
5 Would they like that? I'm sure they wouldn't.

6 But I agree with what everyone has said  
7 also.

8 MS. CRAIG: Thank you. Any questions from  
9 the Committee? Okay.

10 I believe it's Jerry Brown, Jenny.

11 SPEAKER: She left.

12 MS. CRAIG: Okay. Harry Bailey.

13 MR. BAILEY: Yeah. H-A-R-R-Y B-A-I-L-E-Y.

14 I am a unit owner as well. And everybody  
15 here touched on a lot of points that are all  
16 true, touching on points that we want to agree  
17 on today.

18 I'm also in the third building out on the  
19 corner. And a couple of times a year at night  
20 you'll see boats on plane running right around  
21 the whole perimeter of our marina with no

1 lights on or anything like that. So just  
2 general principle, safety is basically what I'm  
3 after here. Thank you.

4 MS. CRAIG: Thank you. Any questions from  
5 the Committee? Okay. Thank you.

6 Does anybody have anything different they  
7 want to say that's on the rest of my list? I  
8 have David Lloyd, Victoria Lloyd. Are we all  
9 concurring?

10 MS. SHEA: I would just like to address a  
11 question for Mr. Hellner? Not a question, but  
12 something he asked.

13 MS. CRAIG: Please stand up. State your  
14 name.

15 MS. SHEA: My name is Cathy Shea, S-H-E-A.  
16 And I live in building three.

17 And Mr. Hellner had asked a question,  
18 someone, about the time of the speed zone, why  
19 don't we just -- I think it was you.

20 MR. HELLNER: Yes, ma'am, I did.

21 MS. SHEA: Yes. About why don't we just

1 do it at certain times. I thought about that,  
2 too. But I'm also in building three, and I sit  
3 out late at night, especially in the summer,  
4 and all hours of the night.

5 We do have people that whiz by there very  
6 quickly close to the pier without lights, as  
7 the gentleman just said.

8 So I think doing it just certain hours,  
9 although I thought that that might be feasible,  
10 probably wouldn't work because, again, you have  
11 people boating all times.

12 And my husband and I, we have a boat at  
13 Harbour Light and we would often go out and  
14 leave at three in the morning. And we  
15 certainly don't need to be broadsided by  
16 someone with no lights. I know that's not the  
17 issue. But speeding as well. So if they were  
18 slow, at least you would have a chance to hear  
19 them. That's all.

20 Other than that, I agree with everything  
21 everybody said.

1 MS. CRAIG: Any questions from the  
2 Committee?

3 MR. HELLNER: May I ask a follow-up  
4 question. I heard something from several of  
5 the testifiers. I think I'm hearing from you.  
6 So I want to clarify this.

7 It sounds like you're saying, but I want  
8 to hear what you would say, is that where you  
9 live is almost attracting folks to misbehave  
10 because what you guys have reported to us is  
11 improper boat operation that shouldn't be doing  
12 it. But over and over again, I'm hearing  
13 people running by us at night, laughing at us,  
14 etc.

15 What do you have to say with regard to  
16 that?

17 MS. SHEA: Well, I've been there since  
18 2009. And the issue with people speeding  
19 hasn't really changed that terribly much. It's  
20 always been there.

21 But recently I will say that, yes.

1 .Because our building is directly almost on the  
2 water, we can hear the conversations. I guess  
3 some of the boaters don't realize that their  
4 voice is traveling that far.

5 But since this DNR proposal and hearing  
6 has been on schedule, yes, some of them have  
7 been a little obnoxious and said some pretty  
8 crude and harsh things about the condo people.  
9 We take it with a grain and salt. But when  
10 they -- a lot of them will say those things and  
11 they don't speed up. But then some are giving  
12 it a little bit of boost on the throttle to see  
13 if they can't make some wake and kind of -- I  
14 guess it's -- it is what it is.

15 It's unfortunate. It hasn't made anybody  
16 feel any safer. That's for sure.

17 MR. HELLNER: Thank you, ma'am.

18 MS. SHEA: You're welcome.

19 MS. CRAIG: Any other questions? Let's  
20 see, any -- yes, ma'am.

21 MS. CHELTON: I'd like to say something.

1 MS. CRAIG: Can you state your name,  
2 please?

3 MS. CHELTON: Yes. Melanie, M-E-L-A-N-I-E,  
4 Chelton, C-H-E-L-T-O-N.

5 I was born and raised, like George, in  
6 Crisfield and left probably when I was 40 years  
7 old.

8 I've been a condo owner for 12 years. And  
9 there is a lack of respect for the condo  
10 owners. I think the people of Crisfield were  
11 very upset when the condos were initially  
12 built. They said we were taking their view  
13 away, we were taking their parking spaces away  
14 to look at the sunsets, blah, blah, blah.

15 And I think the situation with respect is  
16 a big, has a big piece in this.

17 We try to respect the watermen. We --  
18 this is what Crisfield is all about. We were  
19 built -- my grandfather was a packing house  
20 owner. And this is what Crisfield is all  
21 about, was the watermen. We respect them. And

1 all we're asking for is a little bit of respect  
2 in return.

3 So I agree with everything that everybody  
4 has said, and hopefully we can come to some  
5 agreement that will be feasible for everyone.  
6 Thank you.

7 MS. CRAIG: Any questions from the  
8 Committee? Thank you, ma'am.

9 So David and Victoria Lloyd, either of you  
10 would like to speak? No.

11 George Ann Wingrove.

12 MS. WINGROVE: That's me. (Inaudible.)

13 MS. CRAIG: Thank you. And Sam Shea.

14 MR. SHEA: My name is Sam Shea, S-H-E-A.

15 I was walking down on the pier three slots down  
16 from George Tawes. My son and I took a starter  
17 out. It's a New England boat with flat sides  
18 like that table. Mistakenly he set the starter  
19 on the flat side and that's the last I saw of  
20 the starter. Boat came by, boom, bomb, starter  
21 in the Bay.

1           That kind of thing is possible when the  
2 wakes are what they are.

3           Thank you.

4           MS. CRAIG: Any questions from the  
5 Committee? Thank you, all.

6           I'm going to ask for testimony in  
7 opposition to the request. I believe this is  
8 Carson. Mr. or Mrs. Carson.

9           SPEAKER: He just left.

10          MS. CRAIG: Okay. And I have another one.  
11 I can't really -- all the Carsons have left?  
12 There's multiple Carsons. Okay.

13          How about Evans? Kim, Shawn, Luke Evans.  
14 Would you like to speak?

15          MR. EVANS: I mean yeah.

16          MR. SIMONSEN: Here you go, sir.

17          MR. EVANS: Kim Evans, E-V-A-N-S. I don't  
18 agree with it. I mean I understand what  
19 they're saying. There's some people that don't  
20 respect it, but most do. And why punish  
21 everybody for what some few do.



1           Because they like to, my kids they like to  
2           ski and do their tubing and stuff like that up  
3           by there. But they keep off to the side.

4           And don't really know what to say. I mean  
5           I don't agree with it. I don't like it. I  
6           stayed there, crabbed every weekend. I watched  
7           what happens there. Yeah, you get a small  
8           swell in there, but no more than a (inaudible)  
9           would do.

10           I mean I don't know. That's pretty much  
11           all I got to say.

12           MS. CRAIG: Any questions from the  
13           Committee? Okay. Thank you, sir.

14           Anyone who would like to speak in  
15           opposition? All right. Thank you.

16           MR. EVANS: And just one more thing. It  
17           was a little convenient to have this on a  
18           Monday instead of times when other people could  
19           be here that don't agree with it.

20           MS. CRAIG: Thank you, sir.

21           MR. PEPE: Amy, one question for

1 Mr. Evans.

2 Mr. Evans, do you work the water? Do you  
3 work the water in town?

4 MS. CRAIG: Mr. Evans.

5 MR. EVANS: Yes.

6 MR. PEPE: Are you a waterman?

7 MR. EVANS: I was. I worked the water. I  
8 grew up on Smith Island.

9 MR. PEPE: Can you give me an overview of  
10 how this is affecting the commercial docks  
11 downtown? Because I thought I would have  
12 really like to have heard from somebody that  
13 was a commercial man that uses that dock on a  
14 regular basis.

15 Can you give me any input?

16 MR. EVANS: Which dock? You're talking  
17 about the depot?

18 MR. PEPE: Yeah, the depot.

19 MR. EVANS: The county dock?

20 MR. PEPE: Yeah.

21 MR. EVANS: A lot of the big boats, they

1 slow down there because of the mail boats and  
2 different ones that dock at the county dock,  
3 unload and offload. I'm not saying there's not  
4 some that don't. I can't say there's not. But  
5 for the most part, they respect it and go slow.  
6 The big boats.

7 Now, the smaller boat, yeah, they go by  
8 there. I'm not saying some of them don't cut  
9 it close, which, look, I got a smaller boat. I  
10 stay as far to that side as I can stay so the  
11 wake will get smaller as it gets over there,  
12 according to the tide. If the tide is high, I  
13 cut that marsh right and go behind the green  
14 buoy just to keep away.

15 Like I say, of course, it would affect the  
16 people there at the dock if the big boats come  
17 fast in there, it will. But most don't.

18 MR. PEPE: Thank you.

19 MS. CRAIG: Any other questions?

20 Mr. Marsh.

21 MR. MARSH: Mr. Evans, I know you didn't



1 have anybody here that works on the water, is a  
2 waterman.

3 Have you talked with them and get a sense  
4 for how they feel about that?

5 MR. EVANS: They don't like it, either.  
6 But I like say, most of the watermen, they go  
7 slow by there. They do. Because they know the  
8 big boats are going to carry the big sea.

9 But the smaller boats, I don't think it's  
10 fair to them. You only have certain areas to  
11 be able to tube or water ski or whatever. And  
12 that's the nicest, safest spot is up through  
13 there all up inside that.

14 If it's breezy out, if it's blowing some,  
15 you can't have fun surfing or I mean skiing or  
16 tubing. That's the best place for them to do  
17 it.

18 MR. MARSH: Sure.

19 MS. CRAIG: Any other questions? Joe.

20 MR. HELLNER: Mr. Evans, or perhaps  
21 somebody else in the room that could address

1 this. Mike, if you could flip back to the  
2 screen that you just had up.

3 I also have questions about the  
4 commercial, more commercial end of this  
5 approach. And I'm wondering where you see the  
6 line drawn on the south side, how would the  
7 commercial guys feel about being slowed down at  
8 that point?

9 MR. EVANS: Well, they do it anyway.

10 MR. HELLNER: Right.

11 MR. EVANS: A matter of respect.

12 MR. HELLNER: As a matter of courtesy.

13 MR. EVANS: Right.

14 MR. HELLNER: Which I frequently do as a  
15 boat operator, too. Why they don't have speed  
16 limits. I agree there's an issue of courtesy.

17 But I'm just looking for any insight into  
18 since we're considering the petition that chose  
19 the line drawn where it is, is there anybody,  
20 either yourself as a former waterman, or  
21 somebody else in the audience that can give us

1 some information on that slowdown?

2 What I'm hearing from you is that's the  
3 standard slowdown we do anyway as a matter of  
4 courtesy in there.

5 MR. EVANS: Right.

6 MR. HELLNER: Would that be your --

7 MR. EVANS: . That line is right on the  
8 north end. It's out farther. Like I say, the  
9 watermen, they slow down before it anyway.  
10 Like I say, I can't guaranty they all do. If  
11 they slow down soon enough, I don't know. But  
12 for the most part, they do.

13 MR. HELLNER: Thank you.

14 MR. EVANS: Yeah. I've actually seen a  
15 few that cuts the things too close. I agree  
16 with that. But for a certain few idiots,  
17 everybody shouldn't have to pay.

18 MS. CRAIG: Any other questions from the  
19 Committee?

20 MR. MARSH: I just have one general  
21 question. Maybe Mr. Tawes or Mr. Evans, either

1           one.

2           If you looked at the summertime when it's  
3           obviously the boating season, and of course,  
4           the watermen are out most of the time anyway,  
5           but summertime, potting, what have you. If you  
6           had I saw 50 to 100 boats in the petition  
7           coming through concerned about. If you had to  
8           look at those, let's say it's 100 boats, coming  
9           through. Out of those, the watermen would have  
10          what, 30 out of 100 that come through with  
11          watermen boats, as opposed to pleasure boats.  
12          Close to that 30-foot (inaudible) going up to  
13          James Island or that 45-foot boat going up.

14          I'm trying to get a sense of how many  
15          small 18-foot boats go by and he's whizzing on  
16          by. If he doesn't come close to your dock --

17          MR. TAWES: You're talking about  
18          percentages?

19          MR. MARSH: Yeah. Some sense of the big  
20          boat that draws the bigger wake. And we're  
21          hearing that the watermen have a great deal of



1 respect, generally speaking.

2 MR. TAWES: Generally speaking, they do.  
3 Naturally, there are always a few.

4 MR. MARSH: But the small boat, the 16 or  
5 18-foot. If he's going by --

6 MR. TAWES: We see probably I would guess.

7 MR. MARSH: Just trying to get a feel.

8 MR. TAWES: I would guess, if you had to  
9 break it down into a percentage, 20, 20 percent  
10 to 25 percent watermen.

11 Now, we're speaking of summertime.

12 MR. MARSH: Yeah. When you really get the  
13 most traffic.

14 MR. TAWES: And the majority would be on  
15 weekends and the majority would be smaller  
16 pleasure boats. And they're the ones, not all  
17 of them, but they are the ones who generally  
18 speed.

19 So there are like two different factors  
20 here. One is speed, the other is wake. The  
21 wake is more of a factor, of course, with the

1 larger boats. With a deeper draft, they're  
2 pulling the bigger sea.

3 The smaller boats, the main problem with  
4 them is the speed factor. They're not carrying  
5 as much weight. They're lighter, they're going  
6 across the surface.

7 But it's, you know, both problems are  
8 caused by speed basically.

9 And the watermen, I can't figure them out.  
10 I know most of them. When I see their boats go  
11 by, I know who they are and I know the names of  
12 their boats. They used to be my customers.

13 And one day they'll go by slow, the next  
14 day they'll go by like their tail is on fire.  
15 I don't understand that.

16 Or they'll go from -- they'll go from HD  
17 Evans & Son over here where they're buying bait  
18 or putting out crabs, all the way around to  
19 about here at a reasonable speed. And there,  
20 they'll shoot it to her the rest of the way.  
21 And generally speaking, they don't slow down

1           until they're past the white buoy coming this  
2           way. Most of them.

3                     It varies from day to day. I saw a guy go  
4           by the other day carrying excessive -- going at  
5           excessive speed, carrying excessive wake.  
6           Waterman who I know. And I said something to a  
7           fellow who was next to me. I said now, that's  
8           just not like him to do that I don't think.  
9           They said oh, I bet it's his son running her  
10          today. That's why. The younger boy doesn't  
11          have the same care and respect that the father  
12          does.

13                    So but the problem is DNR needs some way  
14          to regulate this.

15                    Right now I've spoken to them on numerous  
16          occasions. They say George, we can't do  
17          anything. There's a wake caution buoy down  
18          here, there's a wake caution buoy up there. If  
19          we were to stop them, all we could do is say  
20          you really should watch your wake. But they  
21          won't do it. They won't stop them. They won't

1 say anything to them. They will not make any  
2 effort to enforce this until there's some way  
3 that they can say, maybe I guess with a speed  
4 gun, hey, you're going eight knots, you're only  
5 allowed six, you get a warning today. Do it  
6 tomorrow, you get a ticket.

7 There's no teeth in what's there now.  
8 There's no way to enforce it. You're just  
9 begging people to be courteous. And I hate to  
10 say it, but the people of today are a lot less  
11 courteous than the people of years past.

12 And there needs to be a way to enforce  
13 this, and that's the only way it can be done.  
14 That's why I requested this.

15 MS. CRAIG: Joe.

16 MR. HELLNER: What would you say -- let's  
17 say this regulation is implemented. How would  
18 the commercial operators view it, in your view,  
19 the watermen that have to transit this area  
20 here? How would you --

21 MR. TAWES: They're --

1 MR. HELLNER: Sorry we didn't hear  
2 directly from any of them today. But since  
3 based on your background, you're probably well  
4 qualified to speak to it.

5 MR. TAWES: Yeah. I've done a little bit  
6 of commercial fishing. But I would say their  
7 normal mindset is they don't like any  
8 regulation of any kind, period. Be it catch,  
9 speed, you name it. They're adverse to any  
10 type of regulations, generally speaking.

11 But they're not inconsiderate normally.  
12 Like I say, the majority of the workboats that  
13 come by our area, come by at a reasonable  
14 speed. Some of them may speed up too soon.  
15 Some of them may slow down too late. They may  
16 go through one day at a reasonable speed, and  
17 the next day at a fast speed.

18 But until DNR has something concrete that  
19 they can use as a tool to regulate this,  
20 nothing is going to change.

21 MS. CRAIG: Thank you, sir.

1 MR. HELLNER: Thank you, sir.

2 MS. CRAIG: Coles, did you have a  
3 question?

4 MR. MARSH: I think. Yeah. I still had  
5 that -- so we're saying 20 percent out of 100  
6 roughly are workboats, 25 percent.

7 MR. TAWES: That varies from day to day.

8 MR. MARSH: I'm trying to get a sense of,  
9 then, how many are like the 16, 18-footers that  
10 are going out fishing or running out or pulling  
11 the tube or whatever? Another 25 percent  
12 roughly, 30 percent?

13 I mean small boats. 16-footer, 18-footer.  
14 Boston Whaler. I mean if he's going through  
15 there at 15 knots, it's more of a safety than  
16 it is pushing a wake.

17 MR. TAWES: That's correct, sir. They're  
18 two different things, but they're all  
19 controlled by the speed.

20 I would say during the warmer weather,  
21 fishing season, the majority of the boats are

1 pleasure boats.

2 MR. MARSH: Sixteen to 18-footers going  
3 fishing or tubing?

4 MR. TAWES: Yes. I'd say from 16 to  
5 25 feet.

6 MR. MARSH: How many of the 30 or  
7 40-footer cabin cruiser, (inaudible), that's  
8 coming through there? Is there a lot of those?  
9 Because I haven't seen a lot of those going up  
10 in there. There's nothing to do.

11 MR. TAWES: No. There aren't as many of  
12 those. There are a few up at the townhouses,  
13 at the entrance to the boat harbor, and there  
14 are one or two larger pleasure boats in the  
15 little boat harbor. And some of those are bad  
16 violaters, any type of respect.

17 MS. CRAIG: Okay. Thank you.

18 MR. MARSH: Thank you, Mr. Tawes.

19 MS. CRAIG: Do we have anybody else that  
20 wishes to speak against the request? Okay.

21 Thank you.





1 I did see an NRP officer, two of them,  
2 back here. Would you like to give your report?

3 OFFICER BRIMER: We can.

4 MS. CRAIG: Thank you.

5 OFFICER BRIMER: I am Troy Brimer. That's  
6 T-R-O-Y B-R-I-M-E-R. I'm the sergeant  
7 supervisor of Somerset County.

8 In my opinion, I personally do not see a  
9 need for this here.

10 Some of the things that I've heard people  
11 comment on are no lights at night. Speed zone  
12 is not going to address that. There's already  
13 regulations for that. I'm going to set this  
14 down.

15 I've been assigned to the area for ten  
16 years. Corporal Howard has been on longer than  
17 I have in the area. Neither one of us can  
18 account for any accidents reported in that  
19 area. If there was a problem with accidents, I  
20 could say yes, we need to do something.

21 I haven't received any reports of damage.

1 I don't know if people are just getting it  
2 fixed on their own and not letting us, making  
3 us aware that damage is being done to these  
4 boats.

5 Everything I heard is almost damage or  
6 rocking. And to me, I mean I understand your  
7 situation, but that was one situation. And I  
8 don't necessarily think a six-knot speed zone  
9 is going to permanently eliminate --

10 MS. CRAIG: Could you please address the  
11 Committee?

12 OFFICER BRIMER: The one situation that  
13 Mr. Tawes stated about the boat cutting him  
14 close, I'm not necessarily think -- a six-knot  
15 zone should address that.

16 But I mean, you go down to Ocean City any  
17 weekend of the summer, you're going to see some  
18 of that in a six-knot speed zone, too.

19 And to create a six-knot speed zone based  
20 on one or two situations, I mean I'm just --  
21 and if we're going to do it to protect their

1 property, then we're going to need to create a  
2 lot more six-knot speed zones throughout the  
3 state, in my opinion.

4 I understand that it's got to be  
5 frustrating to have the property there and that  
6 you are experiencing you say the heavy wake in  
7 the area. But it sounds like to me there could  
8 be improvements in the structure that they have  
9 there before creating a six-knot speed zone.

10 I don't know if you have any questions.

11 MS. CRAIG: Coles.

12 MR. MARSH: How often in the summer months  
13 when it's busy, do you have -- when your  
14 officers, people in the area, most all the time  
15 that would --

16 OFFICER BRIMER: I have five officers for  
17 the whole county. Any given day I may have --  
18 there's days like, some days I have one officer  
19 on a day shift giving other officers days off,  
20 training.

21 We have the whole county, not just

1 Crisfield. We got Tangiers Sound, we got James  
2 Island Park, we got lands, docking. We get  
3 there the best we can, but it's a small chunk  
4 of what we're responsible for.

5 MR. MARSH: But you're here fairly often?

6 OFFICER BRIMER: Me, myself, unfortunately  
7 not --

8 MR. MARSH: I mean one of your officers is  
9 here fairly often?

10 OFFICER BRIMER: Yeah. We get on the boat  
11 as much as we can.

12 Now, in that general area, we transit  
13 through there. But I mean we don't designate  
14 patrol just focusing on that area.

15 MS. CRAIG: Any other questions from the  
16 Committee?

17 MR. PARLIN: Yeah. When we were here a  
18 few weeks ago, they were doing enforcement,  
19 checking crab size, catches, whatnot on one of  
20 the docks there.

21 Have you folks heard any complaints on the

1 commercial side, on that commercial part of the  
2 zone that's -- talking about for wakes or  
3 anything like that?

4 OFFICER BRIMER: I haven't, no, received  
5 any.

6 MS. CRAIG: Questions?

7 Have there been any reports of injuries?

8 OFFICER BRIMER: No. The one comment said  
9 that we won't do anything about it, but I would  
10 like to address that.

11 Under our current policy, we cannot just  
12 stop a boat for any reason and tell them hey,  
13 be considerate. Our policy states right now  
14 currently that a vessel has to be either in  
15 violation of a law, which there currently is no  
16 law there against that, engaged in commercial  
17 or recreational activity in order for us to  
18 make a stop on a vessel.

19 MR. PARLIN: When you say activity, you  
20 mean like fishing, crabbing?

21 OFFICER BRIMER: Fishing, crabbing, yes.

1 Anything that would require a license.

2 I just wanted to address that because it  
3 almost said that the comment was said that  
4 we're not doing --

5 MR. PARLIN: Basically you're saying you  
6 need probable cause?

7 OFFICER BRIMER: Yes. As our policy  
8 currently states.

9 Unless, we do have certain guidelines that  
10 we just started where we can -- we did do one  
11 one weekend this summer in this area where we  
12 set up a checkpoint and stopped every boat that  
13 come through.

14 But other than that, yes, we need probable  
15 cause to stop a vessel.

16 MS. CRAIG: Joe.

17 MR. HELLNER: We heard several testifiers  
18 tell us that boats were not respecting the  
19 100-foot standoff. (Inaudible.)

20 OFFICER BRIMER: That only applies to  
21 personal watercraft.

1 MR. HELLNER: Sorry. I stand corrected.

2 Never mind.

3 OFFICER BRIMER: I mean as far as if  
4 there's a safety concern, a vessel is coming  
5 out of the marina, I think a navigational  
6 (inaudible) signal could alert any boats that  
7 they're coming out of that area, as opposed to  
8 people fishing on the dock and having to reel  
9 in their fishing lines.

10 You go to Matapeake any day of the week.  
11 I mean I don't think the boaters should have to  
12 be made to slow down because someone is fishing  
13 in the same area.

14 MS. CRAIG: Any other questions?

15 In your experience in the area, we know  
16 that it's limited and you're not there every  
17 day, but could you answer possibly the makeup  
18 of the vessels going around; pleasure boat  
19 versus commercial, that sort of thing?

20 OFFICER BRIMER: It depends on the time of  
21 the year and the day of the week.

1           This time of year, obviously the  
2 recreational activity is dwindling down, with  
3 exception to your rock fishing and now you got  
4 some waterfowl hunters that may go by there.

5           But as you get into the winter, it's going  
6 to be mostly commercial oysterman transiting  
7 that area.

8           And in the summertime, it is majority  
9 recreational and majority of it is on the  
10 weekend for the most part.

11           MS. CRAIG: Thank you. Any other  
12 questions? Thank you, sir. Okay.

13           Well, this is typically where we break for  
14 lunch.

15           Is there another NRP officer here? Yeah.  
16 Sorry. Do you have any other testimony to  
17 address the Committee?

18           NRP OFFICER: No, ma'am.

19           MS. CRAIG: This is where we typically  
20 break for lunch. We thank you for -- I'm  
21 sorry, sir.



1 MR. WETCHER: I don't know if I'm allowed  
2 to have a question for you guys to possibly ask  
3 those guys, since I'm not allowed to talk to  
4 those guys.

5 MS. CRAIG: You can't ask us questions.  
6 You can't feed us questions.

7 MR. WETCHER: Actually Joe brought it up,  
8 because I was concerned and maybe I got almost  
9 the answer, but I wasn't really following it.

10 What is the --

11 MS. CRAIG: Can you state your name again?

12 MR. WETCHER: Brian Wetcher with an I and  
13 W-E-T-C-H-E-R.

14 You brought up the question of distance,  
15 and he answered it that only -- that it's  
16 100-foot, is only personal watercraft.

17 Is that correct? So there is no distance  
18 being from any kind of a dock that any type of  
19 a --

20 MS. CRAIG: Can the NRP officer address  
21 this?

1 MR. PARLIN: I can answer it as a basic  
2 boating instructor. No, there is no distance.

3 MR. WETCHER: Really?

4 MR. PARLIN: Correct. Personal watercraft  
5 only.

6 MR. WETCHER: Personal watercraft, that's  
7 it.

8 MR. PARLIN: They have set distances from  
9 fixed objects; piers, other boats in the water,  
10 things like that.

11 MR. WETCHER: So you can be two feet off  
12 someone's dock and just go as fast as you want?

13 SPEAKER: That's where common sense comes  
14 in.

15 MS. CRAIG: And safety.

16 MR. WETCHER: I understand.

17 MR. JONES: Just a minute.

18 MS. CRAIG: Excuse me. Officer.

19 Ask Chris or the officer?

20 Can the officer please stand for another  
21 question from the Committee? Thank you. I'm

1           sorry.

2           Go ahead, Joe.

3           MR. HELLNER: The question was raised by  
4           Mr. Wetcher.

5           MR. WETCHER: Wetcher.

6           MR. HELLNER: Wetcher.

7           MR. WETCHER: It's just like Fletcher with  
8           a W.

9           MR. HELLNER: He cited what I would  
10          characterize as reckless operation of a vessel.

11          Do you have -- how would you address what  
12          Mr. Wetcher raised as far as we've heard  
13          several testifiers running close to the pier,  
14          close to other boats, etc.

15          How would you address that as --

16          OFFICER BRIMER: That could be addressed  
17          as either reckless or negligent operation  
18          based -- of course, we would have to observe  
19          that.

20          And that's another thing about this. If  
21          this did become a six-knot speed zone, sounds

1           like the majority -- if we're not there, we're  
2           not going to be able to address the violations  
3           of the six-knot speed zone. And any damage  
4           that would occur from the wakes, would be  
5           handled civilly out of our hands if we're not  
6           there to see it.

7           MR. HELLNER: Would you say that that same  
8           answer would apply if, for example, my boat was  
9           tied to a slip at the marina and somebody ran  
10          three feet away from me at high speed, an  
11          officer would have to be present before any  
12          action?

13          OFFICER BRIMER: Yes.

14          MR. HELLNER: Could be taken to address  
15          that?

16          OFFICER BRIMER: Yes.

17          MR. HELLNER: Thank you. Just wanted to  
18          understand that.

19          MS. CRAIG: Any other questions from the  
20          Committee? Okay. Thank you.

21          I'd like to thank everybody who came and

1           took time out of their day to provide  
2           testimony.

3           As I said, we do not have a quorum today.  
4           So we will not be going into deliberations and  
5           making any recommendations at this meeting.  
6           You can check back with the DNR liaison about  
7           when we will hopefully have the transcript to  
8           spread to the rest of our members to make a  
9           decision.

10          So we are going to move onto our other  
11          business, but if you would like to leave at  
12          this time, you're more than welcome.

13          We'll have five-minute bathroom break.  
14          How about that?

15          (Public Testimony Ended: 11:17 a.m.)

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STATE OF MARYLAND

I, Diane Houlihan, a Notary Public in and for the State of Maryland, County of Anne Arundel, do hereby certify that the within named, Maryland Boat Act Advisory Committee Meeting, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

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

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

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

AS WITNESS my hand Notarial Seal this 22nd day of October, 2019, at Crisfield, MD.



Diane Houlihan  
Notary Public

My commission expires September 16, 2021