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MARYLAND BOAT ACT ADVISORY COMMITTEE

FALL MEETING

OCTOBER 25, 2018, 10:00 a.m.

ANNAPOLIS ELKS, 2 PYTHIAN DRIVE, EDGEWATER, MARYLAND

REPORTED BY: David Corbin, RPR

## 1 TRANSCRIPT OF PROCEEDINGS

2 AMY CRAIG: Good morning. Can everybody  
3 take a seat, please. I would like to call the  
4 meeting to order. My name is Amy Craig and I'm  
5 the chairman of the Boat Act Advisory  
6 Committee. I would like to thank all of you  
7 for coming and participating in the democratic  
8 process of boating regulations in the State of  
9 Maryland. I will pass the microphone around  
10 and we can introduce our other members.

11 THORNELL JONES: Good morning. I'm  
12 Thornell Jones, vice chairman of the Boat Act  
13 Advisory Committee. I live in Annapolis. I am  
14 a boater, Coast Guard Auxiliary Member,  
15 coxswain, sailboater.

16 FRED LEVITAN: I just turned the lights  
17 off. Fred Levitan, I live in Timonium. I'm  
18 past commodore of Chesapeake Boat Yacht Club  
19 Association. I've been in boating for 45  
20 years. And I'm age 50.

21 RUSS DWYER: My name is Russ Dwyer. I own

1 a waterfront farm in St. Michaels. And a power  
2 boater and waterman.

3 COLES MARSH: Good morning. I'm Coles  
4 Marsh. I have a home over in Annapolis  
5 Overlook. I did a lot of boating in Hillsmere.  
6 I had a home there in the Hillsmere community  
7 for 35 years, I guess. So I spend a little  
8 time in Delaware at the Delaware beaches some.  
9 Thank you. Have a good day.

10 BOB LUNSFORD: My name is Bob Lunsford.  
11 I'm a boater from Southern Anne Arundel County  
12 and I used to work for the Department in this  
13 position.

14 STEVE KLING: My Steve is Steve Kling. I  
15 live in the Annapolis area. I'm one of a few  
16 people on the committee that actually owns a  
17 sailboat and uses it regularly.

18 BOB NICKEL: Good morning. My name is Bob  
19 Nickel. I'm from Garrett County up in Western  
20 Maryland. Been on the board since 2011.  
21 Heavily involved in the recreational boating

1 industry. I've been managing a marina up on  
2 Deep Creek Lake for over 16 years. Very  
3 informed.

4 JOHN SCHELLER: Good morning, Annapolis.  
5 I'm John Scheller from the boating capital of  
6 Southern -- actually Northern Herring Bay.  
7 Deale, Maryland. And I have been operating  
8 marinas and boat yards for 30 years on the  
9 Chesapeake Bay.

10 JON PEPE: Good morning. John Pepe from  
11 Oxford, Maryland. I'm a marine surveyor by  
12 trade, licensed 200 ton master captain.

13 CHRIS PARLIN: Good morning. Chris Parlin  
14 from Centerville, Maryland. I'm a retired fire  
15 boat captain and now a professional yacht  
16 captain. And prior boating instructor.

17 AMY CRAIG: As I said, I'm Amy Craig, the  
18 chairman. And my entire family takes in  
19 watersports, whether it be waterskiing, wake  
20 boarding, paddle boarding, kayaking and et  
21 cetera. We will hand it over to Mike now to

1 take us through the process.

2 MIKE GRANT: Morning. Mike Grant with the  
3 Department of Natural Resources, Boating  
4 Services Division and liaison for these fine  
5 individuals. Thanks again for coming today.  
6 We hope this will be informative for you. And  
7 we're going to start first with Patuxent River.  
8 It's the Lee property along the Patuxent River.  
9 And the petition for a speed change was  
10 submitted by the Prince George's Department of  
11 the Environment. The County holds an easement  
12 to monitor a proposed living shoreline. The  
13 blue shoreline has not been skulled yet, it's  
14 still in the planning process. They are  
15 requesting six knots all time for one nautical  
16 mile. Its general vicinity. Of course D.C. to  
17 your left and we're about halfway down the  
18 Patuxent. It's actually called a little bit --  
19 Lower Marlboro but I think the postal address  
20 is Brandywine. That strip area right there in  
21 the middle. The McGruder property is to the

1 left. The red rectangle represents  
2 approximately 1700 linear feet where the  
3 shoreline will be established. The larger  
4 yellow block box is the one nautical mile north  
5 and south. The lower red box is the existing  
6 speed zone for the McGruder landing launch  
7 ramp. The river is approximately 248 yards  
8 wide at the dock area of the Lee property, and  
9 the length of one nautical mile would take  
10 about eight minutes and 30 seconds to run at  
11 six knots. A close-up of the area in question  
12 where the living shoreline would be  
13 implemented. We have some pictures we took  
14 earlier in the year. McGruder's landing is  
15 down the background, and you'll see the trees,  
16 bit of shrubbery there. The grass is at the  
17 water line. This picture is from the spring of  
18 the beaver damn there last week. There are  
19 more grasses now. The tree -- there is grasses  
20 along the waterline. There is no grasses  
21 necessarily behind those grasses. It's barren.

1 But behind that there is erosion. Note the  
2 picture of the area. Farther down to the left  
3 of the last arrow to the left there is a lot of  
4 a natural grasses, there's a bit of erosion  
5 around an outfall from a small marsh land to  
6 the right and behind. But as you come back  
7 along this way, it's the same situation, you  
8 have grasses in front, you have nothing behind  
9 it, and then eroding soil from the top rolling  
10 into the river. This is a picture from the  
11 spring. The ramp is in place because at one  
12 point in time -- pardon me -- the land was much  
13 farther out. There is about another 10 feet  
14 between these pilings and the next pilings and  
15 another set of pilings. And at one point the  
16 land ran all the way out underneath then.  
17 Since then this ramp had to be installed to get  
18 to the pier. The water depth is about two and  
19 a half feet within 10 feet of shore and reaches  
20 about 22 feet at the end of the 75-foot dock.  
21 You can see the area right in front of the

1 pavilion here. There is the beach area, and  
2 you can see some of the soil rolling into the  
3 beach area from behind. This is in June -- in  
4 April, sorry. There was nothing in this area  
5 and -- in our visit in June these are grasses  
6 that were starting to grow there. Another  
7 picture of the area showing some depths  
8 anywhere between 22 to 35 feet running up the  
9 main channel that are in the Patuxent. And  
10 here's an overview from the area, the direction  
11 about north, northeast about a nautical mile.  
12 In a good storm we get it coming down that  
13 length of the river. Petitions received, and  
14 this is rather technical, but we only had two  
15 people sign the petition. Both people work  
16 with the Department of the Environment in the  
17 County. The land owner did not submit the  
18 petition. The County did because it has to  
19 monitor the easement. We had recently received  
20 a petition of 83 signatures. 32 of them are  
21 riparian owners on the Patuxent against the six



1 knot zone. This, a little hard to see, this is  
2 a report from our shoreline conservation  
3 service and this was after a visit last week.  
4 Basically what they are saying is because of  
5 the fetch, the soil, and type of soil, they  
6 pretty much have determined that the erosion is  
7 not necessarily wake driven, although fetch has  
8 a great deal to do with it. It seems to be  
9 coming from water percolating through the  
10 ground and running towards the river, not boat  
11 driven. There is evidence of erosion over the  
12 years. There is also evidence of land being  
13 built up. So it's ebb and flow of the river at  
14 this point. Questions from the board.

15 COLES MARSH: The intention is to do a  
16 living shoreline.

17 MIKE GRANT: That is correct. You'll hear  
18 more about it from the people representing the  
19 County.

20 COLES MARSH: I would like to hear a  
21 little bit more about it. I'm a little

1 familiar with living shorelines, ebb and flow  
2 and side river widening, and certainty the  
3 river keeper had a lot of activity in that.  
4 Kind of nice to hear how you are going to do  
5 that and why you can't do that without speed  
6 limits. If you would address that for me.

7 MIKE GRANT: Anybody else. Okay.  
8 Presentation.

9 INGRID BAUER: Thank you. My name is  
10 Ingrid Bauer. I work for Common Environmental.  
11 I'm here on behalf of Prince George's County  
12 Department of the Environment to present why we  
13 are asking for this speed restriction. If you  
14 can go to the next slide. We already know the  
15 location from previous presentation so I don't  
16 need to talk here. Gives you an idea where it  
17 is. Next slide. Why we're asking for the  
18 regulation. Get a little bit more into the  
19 specifics of the erosion later, but we are  
20 seeing an increase in what we do believe is  
21 erosion due to wake traffic in this area. Wake

1 boarding activity has increased over the past  
2 few years in this area, straight area. Seems  
3 like a good place. But it's a very narrow area  
4 and property owners have seen notable traffic  
5 increase due to the speeds that the boats  
6 travel at and the fact that extra wake is  
7 added. You can see wakes up to two feet high.  
8 It's also near an launch point, which means  
9 there is a lot more potential for traffic and  
10 there is more traffic than is in a more rural  
11 remote area. Next slide. Saw some of these  
12 pictures, very similar pictures before. You  
13 can see the ramp that was added to the boat  
14 dock so that they could continue to access it.  
15 We'll see another picture later on that gives  
16 you kind of a comparison of the past ten years.  
17 But this ramp is almost at the point where they  
18 need to extend it further because the active  
19 and ongoing erosion is taking the land further  
20 and further back from the dock. So this ramp  
21 is almost noneffective at getting them onto

1 the dock as it is. The lower picture you can  
2 see there is a lot of erosion going on,  
3 undercutting the existing vegetation, trees and  
4 veg is falling into the river. And to make  
5 another note here, this picture was taken at  
6 low tide. Low tide, particularly in this area,  
7 there's a good ten to 15 feet of sand, maybe a  
8 little gravel, between the face of that bank  
9 and where the water level is. At high tide the  
10 water level comes right to the face of the  
11 bank. It doesn't go over the bank, it just  
12 kind of is right at the bank where the erosion  
13 is occurring. Next slide. So these are aerial  
14 imagery 2006 on the left and 2016 on the right.  
15 The reason I was talking about tide levels  
16 before is because unfortunately the clearest  
17 aerial imagery is, of course, as fate would  
18 have it, taken at different tide levels. So on  
19 the left, this is at low tide, so you can see  
20 that sandy tan beach, but you can tell where  
21 the edge of the bank is because of where the

1 edge of the green grass is. On the right the  
2 water is at high tide so the line between the  
3 water and the grass is the edge of the bank.  
4 It makes it a little trickier since the tide  
5 level difference is really seeing the erosion.  
6 But if you compare that into the grass line to  
7 more permanent fixtures, like the picnic  
8 shelters, the trees and roadway, you can see  
9 the erosion. And the photo on the left, the  
10 top right corner of that picnic shelter is a  
11 good six to 8 feet from the edge of the bank  
12 where the grass ends. In the right photo it's  
13 closer to two feet. And that was two years ago  
14 and it's less than that now. You can also see  
15 the mid point of the trees by looking at where  
16 the shadows end. Those spaces between the  
17 trees and edge of the bank in the 2006 photo.  
18 The trees are at the edge of the bank and, as a  
19 result of the previous photo, are broken into  
20 at this point due to ongoing erosion. Go to  
21 the next slide. Another picture, same time

1 period as 2006 on the left, 2016 on the right.  
2 Again, you have the difference in tides. In  
3 this area there isn't as much of a beach, it's  
4 deeper, closer to the shore, so you don't have  
5 that beach area. You can look at the roadway  
6 though and the top of the roadway to the water,  
7 you have a good four to five feet in the 2006  
8 photo, you have less than one foot in the 2016  
9 photo. And right now that roadway, the water  
10 is against the road way and eroding that  
11 roadway now. Next slide. So to actually  
12 quantify these though. In the presentation  
13 earlier, it was noted that supposedly there is  
14 a creche in in this area. That is based on  
15 Maryland DNR's assessments, which is all based  
16 on aerial imagery, and as you saw in the photos  
17 before, depending on when those images come in,  
18 you could get very different results. We  
19 actually, to evaluate the erosion rate at the  
20 property itself, which is that first line  
21 there, we got the lidar elevations from the

1 County for 2001 to 2009 and 2014, the most  
2 recent data at the time that we were collecting  
3 it. And from that, in the last ten years, we  
4 see over a half foot of erosion every year,  
5 which is a significant increase when you  
6 compare it to the erosion rate for the past 15  
7 years. It's more than three times increase  
8 from that longer period of time. And this  
9 coincides very well with the -- what we hear  
10 from the land owner of the increase in wake  
11 boarding that they have seen in the area. So  
12 that's based on lidar data. Another reason  
13 that feeds into why in this particular case the  
14 aerial imagery based assessments aren't  
15 entirely correct is because when you have a  
16 vertical bank, it starts sloughing down, the  
17 erosion itself may move back. But as it  
18 sloughs down, you have grasses laying down. So  
19 it looks from above as though the grasses have  
20 stayed at the same location, but really the  
21 bank itself has moved back further. So it

1 gives a little bit of a false impression if you  
2 just take it as is. As part of looking for  
3 this petition we also examined the existing  
4 marshes around it. This is harder to tell from  
5 lidar because you can't really get good  
6 elevation data in marsh where it's very wet.  
7 So we did use the DNR rates there. They are  
8 more accurate from the marsh because the marsh  
9 grasses are, you know, pretty standard where  
10 they are and when the erosion happened, it just  
11 goes away, because it's right at that water  
12 level. So at the existing marsh just upstream  
13 from the project, on the same side of the bank,  
14 you have a similar erosion rate as to what we  
15 were seeing at the property line. The marsh  
16 that's just on the opposite shore though has  
17 about one and a half feet a year of erosion.  
18 So then this is -- the question you ask is why  
19 is this important, what can boating  
20 restrictions do. Because we strongly feel that  
21 it is tied to the wakes created by the wake



1 boarding. I mean we have negative impacts not  
2 only to the private property itself, they are  
3 losing one and a half foot a year of their  
4 land, but we're also seeing these negative  
5 impacts to the marshes. So these existing  
6 marshes provide very important benefits. They  
7 provide habitat for fish, birds and other  
8 wildlife, which in turn provide a lot of  
9 recreational opportunities, fishing, birding,  
10 kayaks, things like that. They also -- studies  
11 have shown that tidal marshes can help reduce  
12 the impact of flooding. They also absorb  
13 excess nutrients and glutens and in waterways.  
14 They help trap suspended sediments as well.  
15 The Maryland Shoreline Erosion Task Force  
16 estimates that 4.7 million cubic yards of  
17 sediment is eroded from tidal areas every year  
18 and transported to the bay. To give you an  
19 idea, that would fill M&T Bank Stadium about  
20 three times every year going down from the  
21 bank. There it smothers grass beds, which

1 impacts fish and crabs that may live in those  
2 areas. So by implementing this restriction to  
3 help reduce the wakes, help reduce the erosion,  
4 you're not only stopping the erosion in those  
5 and improving habitat in that immediate area,  
6 but you're also having a greater impact on the  
7 greater health of the river and ultimately of  
8 the bay. Next slide. As to why Prince  
9 George's County Department of the Environment  
10 is involved. As you heard her earlier, we're  
11 in the process of designing a living shoreline  
12 project at this property that will help -- that  
13 should stop the erosion and will have other  
14 benefits to the area as well. It also helps  
15 fulfill the County's MES four permits for total  
16 nitrogen, total phosphorus, suspended solids  
17 and helping treat -- get equivalents for  
18 impervious area treatments. The project itself  
19 will mitigate the erosion along the private  
20 property, however it would be successful to  
21 implement it with some way to lessen the wake

1           in this area, particularly since the existing  
2           marshes, which are not going to be protected by  
3           this project, are experiencing notable erosion.  
4           And as we discussed, as I discussed before,  
5           those provide very important benefits to the  
6           area and further bay help. I think the next  
7           slide just shows a map you saw earlier of where  
8           the project is located and where the boating  
9           restriction that we're asking for is -- which  
10          is the darker blue. And I think that's all I  
11          have. If you have any questions for me.

12                    AMY CRAIG: Mr. Pepe.

13                    JON PEPE: John Pepe. Could you do me a  
14           favor and go back to the slide with -- over the  
15           aerial view. I think it was the first slide.  
16           You say these were taken at different tide  
17           levels.

18                    INGRID BAUER: Yes.

19                    JON PEPE: Did you do a calculation on the  
20           tide difference.

21                    INGRID BAUER: We did. It's 1.8 feet.

1           JON PEPE: Thank you.

2           JOHN SCHELLER: John Scheller. I have a  
3 couple questions if I may.

4           INGRID BAUER: Sure.

5           JOHN SCHELLER: You're doing -- you're  
6 proposing a shoreline stabilization.

7           INGRID BAUER: Yes. A living shoreline  
8 project.

9           JOHN SCHELLER: What's it called.

10          INGRID BAUER: Living shoreline project.  
11 There will be, in this case due to the wakes  
12 and the fetch that was discussed earlier,  
13 mostly the wakes are really governing the size  
14 of our calculations. There will be a stone  
15 sill at the end of what we will plant as a  
16 marsh area there.

17          JOHN SCHELLER: So you're considering a  
18 soft marsh erosion control program.

19          INGRID BAUER: Yes.

20          JOHN SCHELLER: On a bend in the river.

21          INGRID BAUER: That area is a

1           straightaway, the area where the project is  
2           going to be.

3           JOHN SCHELLER: You have no hard  
4           structures to go to break the wake.

5           INGRID BAUER: No, there is, there is a  
6           rock sill at the edge of the marsh.

7           JOHN SCHELLER: Do you have any pictures  
8           of the proposed --

9           INGRID BAUER: I do have a --

10          JOHN SCHELLER: -- structure of your  
11          shoreline stabilization. My concern  
12          essentially is is this a proper engineering  
13          approach to the situation you're trying to  
14          solve, or are you just going -- I mean if you  
15          get rid of the wakes, does that stop the  
16          storms.

17          INGRID BAUER: Getting rid of the wakes  
18          won't stop the storms. That's why we would  
19          still implement the project as well. However,  
20          the wakes are a much more frequent event. They  
21          are happening daily in the summer, you know,

1           whereas those storms are happening much less  
2           frequently.  And the storms for which you would  
3           get the longest fetch, the Nor'easters, we see  
4           those fairly regularly but once every five  
5           years or so I think.  So you would not nearly  
6           see -- it's still important to have the  
7           project.  The project is being engineered right  
8           now and it will be sufficient.  So this is a  
9           cross section of what it will ultimately look  
10          like in front of that private property.

11                  JOHN SCHELLER:  Okay.  Thank you for that.  
12           I would like to get a copy of that.  But the  
13           berm that you're putting in there with the  
14           rip-rap or --

15                  INGRID BAUER:  The sill, stone sill.

16                  JOHN SCHELLER:  Correct, the sill.  If  
17           that were in fact moved to a sufficient  
18           distance offshore but within the limit and you  
19           allowed the shoreline to create a new beach and  
20           also have the shoreline stabilization on the  
21           upper section, would that meet your

1 requirements.

2 INGRID BAUER: So we're doing -- we're  
3 implementing that project anyway. This is --  
4 if you look -- get myself to this point. This  
5 line right here, this is the existing ground  
6 surface. It actually comes out here, it's hard  
7 to see. And then it comes around, you can see  
8 the bottom of this area is the existing ground  
9 surface. So we're proposing adding a sill,  
10 adding some clean sand fill to try to recreate  
11 the beach, recreate the marsh, and planting it  
12 so we can get some vegetation in there to  
13 protect the area very quickly. This will be  
14 sufficient to protect the private property  
15 against erosion. It would -- we're having to  
16 use a much bigger rock, much more rock to  
17 protect it due to the wake that we're seeing.  
18 Our calculations for wind driven waves are much  
19 lower protection required than due to the wake  
20 because of the speed and the wake boarding that  
21 we're seeing. So while this will protect the

1 private property, it won't protect that  
2 existing marsh, which as I was talking about  
3 has the benefits for other types of recreation  
4 and environmental benefits as well.

5 JOHN SCHELLER: Are you planning to  
6 reclaim any land.

7 INGRID BAUER: What do you mean by  
8 reclaiming land.

9 JOHN SCHELLER: Restoring the shoreline  
10 out into the river.

11 INGRID BAUER: Yes. It's not really  
12 reclaiming it, it's just making it an elevation  
13 where you can -- you can bring it out a little  
14 bit so we can get the marsh established in  
15 there.

16 JOHN SCHELLER: Thank you very much.

17 STEVE KLING: Can we turn the lights on.

18 INGRID BAUER: To note, that project will  
19 be going through all the appropriate permitting  
20 processes. We're working with the Army Corps  
21 of Engineers, Maryland Department of the



1 Environment, and the Critical Area Commission  
2 to make sure we meet all the regulations and  
3 fulfill the requirements they have and the  
4 restrictions that they have in these tidal  
5 areas.

6 STEVE KLING: I appreciate your passion,  
7 I'm a tad skeptical of some of what you're  
8 saying. What I've heard is basically a  
9 somewhat emotional representation that there is  
10 increased wake boarding, and wake generated  
11 thereby, and this seems to be coming  
12 anecdotally from the land owner. Do you have  
13 any data of increased boating activity in this  
14 area. Any real data.

15 INGRID BAUER: I'm going to turn it over  
16 to Chip. He's intimately involved with the  
17 property.

18 CHIP LEE: Good morning. My name is Chip  
19 Lee. I'm actually the land owner of this piece  
20 of property. The County came to me a year and  
21 a half ago to propose this project. My family

1 has lived on this piece of property since the  
2 late 1800's. So I've been there my whole life.  
3 I'm 51 years old. To your point, sir, as  
4 you're speaking about the wake boards. I mean  
5 I've lived there my whole life. We talk about  
6 the fetch and the storms, and I don't see --

7 STEVE KLING: It's a pretty simple  
8 question, is there data to describe increased  
9 boating activity and wake boarding activity.  
10 That's it. I don't need -- I don't mean to be  
11 rude, but that's a simple question.

12 INGRID BAUER: We have qualitative data,  
13 we do not have quantitative data.

14 STEVE KLING: Thank you. Then my next  
15 question is you describe your calculations of  
16 wake versus storm driven energy. How can you  
17 make a comparable comparison if you don't have  
18 quantitative data.

19 INGRID BAUER: We were looking at the  
20 erosion that is based on the size, the speed of  
21 the boat. We followed --

1           STEVE KLING: But you're getting ahead of  
2 yourself.

3           INGRID BAUER: No, I'm giving a  
4 background.

5           STEVE KLING: They are my questions. You  
6 are giving me a conclusion based on  
7 assumptions. So what quantitative data do you  
8 have to drive your conclusion with respect to  
9 the causal effect, the energy driven by wake,  
10 or generated by wake.

11           INGRID BAUER: The energy generated by  
12 wake is based on boat type, boat speed, things  
13 like that. So we contacted recreational  
14 boaters in the area about what the most common  
15 type of boat is, what the typical speeds are  
16 necessary for wake boarding, and we used those  
17 in our engineering calculations to determine  
18 what that wake is.

19           STEVE KLING: And how quickly does a wake  
20 degenerate.

21           INGRID BAUER: I'm sorry, what?

1           STEVE KLING: Over what distance does,  
2 say, a 2-foot wake dissipate.

3           INGRID BAUER: I don't know that off the  
4 top of my head.

5           STEVE KLING: How can you do these  
6 calculations without that information.

7           INGRID BAUER: It is part of the  
8 calculations we do. The spreadsheet and the  
9 program that we run it through to do these  
10 calculations incorporates all of that. It's  
11 quite a lengthy spreadsheet. So I don't have  
12 all the components memorized. But it  
13 specifically takes into account how far off the  
14 boat is traveling compared to where the shore  
15 is. It does look at that.

16           STEVE KLING: But you don't know the boat  
17 traffic. You don't know your basic energy load  
18 is what you're saying. But then you're making  
19 a lot of assumptions based on a lack of data it  
20 seems to me.

21           INGRID BAUER: We don't know the specific

1 numbers of the boat traffic. We had  
2 designed -- we're looking at it by the wave  
3 size and the wave impact on the shore.

4 STEVE KLING: Except that wouldn't you  
5 agree that the impact of the wave on the shore  
6 is directly related to the distance from the  
7 shore.

8 INGRID BAUER: Yes. And we have that  
9 distance.

10 STEVE KLING: How can you have the  
11 distance when you don't have data of activity.

12 INGRID BAUER: Well, we generally look at  
13 two different things. We look at the worst  
14 case scenario and we look at the average. We  
15 look at these things. It's not a very wide  
16 channel there.

17 STEVE KLING: Having been down there, I  
18 would -- it's not my point to debate you here,  
19 but I found it to be a very quiet channel.

20 INGRID BAUER: At certainly times of day.

21 CHIP LEE: Could I ask you what day of the

1 week you were there. I mean if you went on a  
2 Saturday or Sunday -- we're not here to kind of  
3 jam up the boating community at all, we're just  
4 trying to do the best we can for this project.  
5 But what time of the week were you there. Were  
6 you there on a Saturday.

7 STEVE KLING: I was there on a weekend and  
8 I was there on a weekday. But I get to ask  
9 questions. So...

10 CHIP LEE: It is relevant what day of the  
11 week.

12 STEVE KLING: I appreciate that. I'm  
13 really troubled by what I -- I think is a  
14 largely emotional plea that these wakes are  
15 causing problems without any data to support  
16 that conclusion.

17 INGRID BAUER: I am confident in our data  
18 otherwise I would be not and I would not stamp  
19 the plans.

20 STEVE KLING: I would say that this  
21 committee has spent many, many years dealing

1 with issues of erosion, it has done original  
2 research, brought in hydrologist, and we spend  
3 a tremendous amount of time trying to  
4 understand the correlation between boat wake  
5 and erosion and storm driven waves and erosion.

6 NYREE WEYAND: I'm Nyree Weyand, I'm the  
7 project manager from Prince George's County. I  
8 just wanted to say, you know, we're putting  
9 together this project, we have a lot of money  
10 invested, a lot of time invested to try and do  
11 the right thing for the environment. We're  
12 trying to protect the project, the shore.  
13 We're not trying to argue back and forth  
14 whether you think wake boarding is really  
15 causing an issue or not. We have seen it, we  
16 have -- he has lived it. We have shown the  
17 erosion has taken place on this property. So  
18 you can believe it or not. But, again, it's a  
19 choice.

20 STEVE KLING: This is not supposed to be a  
21 debate. But I don't think there is any

1 question there is erosion going on. What you  
2 are -- what I am hearing, I don't want to speak  
3 for anybody else, is that there is some  
4 anecdotal description of increased wake  
5 boarding and therefore your conclusion is that  
6 is driving the erosion.

7 NYREE WEYAND: There is a public boat  
8 ramp --

9 ATTORNEY 1: I'm aware of that. But  
10 you're not offering any causal connection, any  
11 data, any data driven basis for your conclusion  
12 that I hear. And that's what I'm asking for  
13 and I still haven't heard that.

14 NYREE WEYAND: We're going to do this  
15 project regardless. So if you want to, you  
16 know, give us a hand in protecting it, great.  
17 If you don't think that the boating industry is  
18 an issue, that's fine too. We're just here to  
19 make that case.

20 AMY CRAIG: Mr. Dwyer.

21 RUSS DWYER: My concern with this, and



1 part of this committee is boat safety, is  
2 you're going to take a mile of this water and  
3 take boats that you say is causing the wake and  
4 you're going to put them on the north side and  
5 the south side. And take those boaters and  
6 cram them together. What are you going to do  
7 about the wakes that's going to be increasing  
8 wakes on the other side.

9 NYREE WEYAND: So you're seeing there will  
10 be a traffic jam essentially.

11 RUSS DWYER: If you got -- just for an  
12 example, if you got six boats wake boarding or  
13 jet skis in that area dropping to six miles an  
14 hour, those boaters have to go north and south  
15 and really clog the thing up and create a  
16 safety problem.

17 CHIP LEE: I'm not arguing it. When you  
18 have a six mile an hour near any marina, you're  
19 going to drive the traffic north or south.

20 RUSS DWYER: We well know that, and that's  
21 what we're trying to straighten out and keep

1 that from happening, because it does happen.

2 CHIP LEE: However, the further south on  
3 the river it gets much wider at that point. It  
4 starts to widen up pretty good.

5 RUSS DWYER: Not my back yard.

6 NYREE WEYAND: I guess that's one way to  
7 look at it. I guess if we restrict speeds in  
8 these areas then they would do the wake  
9 boarding in another area. Which I guess the  
10 argument can be made do you think they are  
11 going to be doing it in those areas.

12 RUSS DWYER: And next we're we have the --  
13 another person back here.

14 AMY CRAIG: Mr. Lunsford.

15 BOB LUNSFORD: Is there any data on the  
16 current velocity of the near shore area of the  
17 project and flood tides. Is there any  
18 information on the --

19 INGRID BAUER: There are none.

20 BOB LUNSFORD: Thank you.

21 AMY CRAIG: Any other questions from the

1 committee.

2 THORNELL JONES: Question is do you have  
3 any data on traffic at all.

4 INGRID BAUER: We do not. Our project is  
5 strictly an environmental, MDE sort of push  
6 thing for water quality. I think the biggest  
7 argument is that without protecting the  
8 shoreline you're going to see an increased  
9 impact to habitats elsewhere, in these marsh  
10 lands and ultimately the Chesapeake Bay.

11 THORNELL JONES: There is no data on the  
12 change in traffic volume.

13 NYREE WEYAND: No. Actually this was just  
14 something when we went out to look at the  
15 project that the land owner brought to our  
16 attention. We didn't know this boating  
17 situation was even occurring. So just as an  
18 added step to sort of, you know, do what we do,  
19 we decided to put this request in. Again,  
20 we're going to do the project anyway, so we  
21 just feel like if we can help protect this

1 shoreline project, which is a lot of money and  
2 a lot of time, lot of effort, we should do  
3 everything we can do to try and preserve that  
4 area. This is just another step to take.

5 AMY CRAIG: Mr. Dwyer.

6 RUSS DWYER: I think the word when you  
7 stood up and maybe clarified for me, you said  
8 you're going ahead with the project no matter  
9 what.

10 NYREE WEYAND: Yes.

11 RUSS DWYER: Why are you here.

12 NYREE WEYAND: Again, after we looked at  
13 the project and we found out from the land  
14 owner that the boating was causing an issue,  
15 we've seen it, all of us have seen it out  
16 there.

17 RUSS DWYER: Why are you, as far as I'm  
18 concerned, wasting my time sitting here if  
19 you're going to do what you're going to do  
20 without our opinion.

21 NYREE WEYAND: We don't need the boating

1 committee's permission to do a project, but  
2 what we do is we need your permission to  
3 restrict the speed of boaters within that area  
4 in order to protect the project.

5 AMY CRAIG: Mr. Scheller.

6 JOHN SCHELLER: I don't think that the  
7 committee, but I'm speaking for myself, is  
8 against your project. I think we're trying to  
9 mediate between the rights of all of our  
10 Maryland water owners and the people that use  
11 the water.

12 NYREE WEYAND: I understand that.

13 JOHN SCHELLER: My question is have you  
14 considered, developed, costed out any plans to  
15 cope with the current environment as it exists  
16 today, or do you have a plan that you're going  
17 to put in and then ask everybody to live to  
18 your plan.

19 NYREE WEYAND: I'm not sure what your  
20 question is. I'm sorry.

21 JOHN SCHELLER: Have you -- I'm of the --

1 I'm getting the sense that you have -- you have  
2 an engineering plan and you want us to conform  
3 to your engineering plan rather than having  
4 your engineering plan conform to the  
5 environment.

6 NYREE WEYAND: No. I mean there are  
7 impacts. Whether or not we reduce the speed,  
8 our project could be considerably, you know,  
9 less the scale of the rock and all that is  
10 determined by the wakes. So, yes, it does  
11 affect the project. But we will go forward  
12 with the project regardless. We have seen in  
13 this area that boating is impacting the  
14 erosion. And that's kind of the case we're  
15 bringing here. It is. So that was just an  
16 added step to try and make you understand that  
17 this shoreline, this land owners property, has  
18 been depleted significantly over the years. We  
19 do believe that restricting the boating speeds  
20 in that area will benefit the shoreline, the  
21 project, and the areas where we're not

1 protecting. We're not doing a shoreline  
2 protection all along this entire property, it's  
3 just in pieces. So there are places that will  
4 still be affected by the boating. And that's  
5 why we're here.

6 JOHN SCHELLER: I guess you didn't -- I  
7 don't think you answered my question is -- or  
8 if you did, you're saying that this project is  
9 not going to solve your problem even if we stop  
10 boating there.

11 NYREE WEYAND: I would like to stick to  
12 the boating because that's what you guys do.  
13 The boating is the issue. So that's what we're  
14 looking at. If you can restrict speeds in this  
15 area, the erosion will be significantly  
16 reduced.

17 JOHN SCHELLER: Let's look at it from the  
18 boater's point of view.

19 NYREE WEYAND: I think you are. That's  
20 the point.

21 JOHN SCHELLER: Let me ask you to look at

1           it --

2                   NYREE WEYAND: I live in Calvert County  
3 and I love boating, but, again, this is an area  
4 where you can see their roadway is going to be  
5 in the river. And it wasn't when they  
6 constructed it. So, you know, it is being  
7 impacted. Whether or not you believe that, you  
8 know.

9                   JOHN SCHELLER: I believe it directly.  
10 Rivers move.

11                   NYREE WEYAND: They do.

12                   JOHN SCHELLER: That's what they do for a  
13 living.

14                   NYREE WEYAND: They do.

15                   AMY CRAIG: Any further questions.

16                   JOHN SCHELLER: Thank you.

17                   AMY CRAIG: Mr. Parlin.

18                   CHRIS PARLIN: Actually I have two  
19 questions. One, we have a slide that shows new  
20 grasses from 6/26, 6/27, and there was nothing  
21 there on April 4th. Have those grasses



1 continued to grow healthy. Are they naturally  
2 protecting.

3 CHIP LEE: They come and go.

4 CHRIS PARLIN: Currently to the end of the  
5 season, have they been washed away by the boats  
6 or are they still there, because this is a  
7 natural cycle they take.

8 NYREE WEYAND: They don't regenerate in  
9 such a way to protect the shoreline.

10 INGRID BAUER: The other thing is the  
11 grasses are going to grow whenever there is the  
12 correct elevation that they have the right  
13 water cover and right water access they will  
14 grow. So there has been grasses there fairly  
15 consistently, however the grasses used to be  
16 much further channelward than they are, because  
17 you get the ground coming off and the lower  
18 area there just migrates back.

19 CHRIS PARLIN: Okay. Next question.  
20 There is living shorelines being put up all  
21 around the state. This is the only time we

1 have been asked to provide protection for a  
2 living shoreline. Is this a unique one  
3 compared to any other one out there that's  
4 never needed -- hasn't needed protection in the  
5 past.

6 NYREE WEYAND: I think, as far as Prince  
7 George's County goes, we're getting into the  
8 living shoreline thing. We're sort of new to  
9 it. I know Anne Arundel County has done some  
10 for us. This particular project is our first  
11 private land owner so it's been, you know, a  
12 new thing for us and for the land owners to  
13 kind of work together to see what we can do to  
14 increase the water quality benefits and  
15 environmental health of this area. That being  
16 said --

17 AUDIENCE: Is the owner paying for this?

18 AMY CRAIG: Ma'am, you'll have a chance to  
19 speak.

20 NYREE WEYAND: Sorry. So your question  
21 was why is this so special I guess. Because we

1           went out there, we met with the land owner, we  
2           walked the shore, we saw, you know, the ramp is  
3           right there next to his property. You can see  
4           where people are bringing in their boats all  
5           the time. I boat, I have friends who boat.  
6           There is a lot of traffic. There is a lot of  
7           traffic. So as an added step, again, we just  
8           thought this was a smart thing to do. We knew  
9           that you guys probably were not going to be so  
10          happy to hear from us. But I thought it was  
11          prudent for us to try to take this step to, not  
12          only for the project, the project is part of  
13          it, but the rest of the shoreline there is the  
14          bigger part of it. Because as Ingrid said,  
15          there are a lot of impacts that are not going  
16          to be protected by the shoreline project and  
17          they are continuing to happen. I mean when I  
18          saw the aerials on this project, I was stunned  
19          at how much shore they lost. Because this area  
20          is a straightaway. It's beautiful, people come  
21          down and they just get. They get up and they

1 go, they motor down. It's fun and I get that.  
2 But it's doing damage. And if we can restrict  
3 it just a little bit in part of this area, I  
4 think it would help a lot.

5 AMY CRAIG: Mr. Pepe.

6 JON PEPE: I did want to applaud you for  
7 this project, because I live in Oxford,  
8 Maryland, which is the land of erosion.  
9 Between us and Dorchester County, we understand  
10 it. We actually have two living shoreline  
11 projects in our town that one is on our main  
12 strand park beach and one is our ferry dock.  
13 They were put in four to five years ago. They  
14 have been extremely successful in stopping  
15 erosion and bringing property back. I will let  
16 you know though that we have no speed  
17 restrictions on the Tred Avon River, which is a  
18 river that's three-quarters of a mile wide.  
19 It's extremely heavily traveled by big boats.  
20 Which up in your area, because of the size of  
21 the river, there is a restriction in marinas,

1           you know, areas to go, so you don't get the  
2           traffic that we get in these major rivers.  
3           It's a beautiful river. I mean we all went up  
4           there and viewed it. But I will say that these  
5           living shoreline projects will work and thrive  
6           without a speed restriction to protect them.

7           NYREE WEYAND: And I appreciate the  
8           support. And I can appreciate that argument.  
9           Again, I don't know, after we build it, in 50  
10          years, what's going to happen. No one can  
11          predict that.

12          JON PEPE: Here again, I'm preaching to  
13          the choir because this is what you guys do.  
14          But I would ask that you contact Talbot County,  
15          Dorchester County, the small towns that deal  
16          with this and have really heavily erosion  
17          affected areas and get input from them. Design  
18          it right the first time, because they are done  
19          all the time and they do work.

20          NYREE WEYAND: Keep in mind, a quarter of  
21          a mile is a lot more than what we're doing with

1 here. This is an extremely narrow piece of  
2 river.

3 JON PEPE: But we're also talking about  
4 huge boat wakes, and we're also talking about  
5 fetch from the northwest. We get seas rolling  
6 in on this thing four or five feet high. So it  
7 is a comparable project and it is doable.

8 INGRID BAUER: That actually brings up a  
9 point as to kind of relates to one of the  
10 questions earlier as to why is this project  
11 special. In a lot of places where you see  
12 living shorelines, the size of the rock, size  
13 of that sill is going to be governed by -- it's  
14 always governed by the wake and waves that you  
15 get from boat traffic or, you know, from the  
16 fetch, from wind generated over the fetch. In  
17 areas where you have longer fetches, it's going  
18 to be more dependent on that and less dependent  
19 on the boat traffic. So it's not as important  
20 to get the boating restrictions in place  
21 because that's not the driver of the sizing of

1 the project. That's one of -- the sizing of  
2 the rock that we're going to have to put in is  
3 a big driver for why we're asking for this for  
4 project. The other component of why we're  
5 asking for this, as we mentioned a few times,  
6 the existing marshes around it that will not be  
7 protected by the project that are experiencing  
8 erosion.

9 AMY CRAIG: Any other questions from the  
10 committee. Thank you. Ms. Weyand, do you have  
11 any further comments.

12 NYREE WEYAND: No, I appreciate your time,  
13 all of you, and your questions. Again, this is  
14 something new for us and this was just an added  
15 step that we thought was the right thing to do  
16 to try and, you know, protect that area. So  
17 that was the only reason we came here. Our  
18 project does not include time and money to do  
19 data research on boating in that area. We can  
20 only go by what we've seen and the land owner  
21 has seen over his entire lifetime. That's all

1 we have. Thank you.

2 AMY CRAIG: Ms. Bauer, do you have  
3 anything further to add.

4 INGRID BAUER: No. Thank you very much  
5 for your time. Really appreciate it.

6 AMY CRAIG: Mr. Ryan Hutchins.

7 RYAN HUTCHINS: I'll have Mr. Drobeck, Tom  
8 Drobeck, go.

9 TOM DROBECK: Thank you. I have a few  
10 things for you folks. I didn't know how many  
11 Council members there would be so I printed out  
12 a few copies. Some are color, some are black  
13 and white. I apologize. Let me introduce  
14 myself. My name is Tom Drobeck. I'm  
15 originally from San Diego, California. Grew up  
16 on the water when I was like four years old and  
17 I've been on the water ever since. Moved out  
18 to Maryland and Virginia about 20 years ago.  
19 And recently about two years ago my fiance and  
20 I, we bought property in Calvert -- in Calvert  
21 County, Holland Cliffs Road, and we love



1 boating on the Patuxent River. I do come from  
2 the perspective of a boater, as does my friend  
3 Ryan down the street, down the water. I own  
4 three boats. Mastercraft competition waterski  
5 boat, a wakeboard boat, and a fishing boat.  
6 And a jet ski and two kayaks and a small  
7 sailboat. So I'm on the water a lot. Okay.  
8 What I wanted to present to you today -- a  
9 little bit more about my background. I have a  
10 Bachelor's degree in biomedical science and  
11 biomedical engineering, and I have a Master's  
12 degree in mechanical engineering. And I work  
13 at the Naval Air Station Patuxent River,  
14 originally as an engineer and now I'm a program  
15 manager. So when my fiance and I were boating  
16 up in the McGruders Landing area we saw a buoy  
17 earlier in the summer, we made a few phone  
18 calls, we wanted to find out more about what  
19 was going on. And it's by my profession, by my  
20 trade, by my nature, I wanted to dig into the  
21 facts. Emotionally, yeah, I don't want this to

1 be a six knot zone, cut down on the boating,  
2 but I wanted to do a little investigation. Let  
3 me walk you through some of my findings. On  
4 the next slide. Bottom line upfront. My  
5 fiancée and I, we do oppose this proposal and we  
6 ask the board to reject the proposal. Let me  
7 walk you through a few reasons why. I will  
8 also state that I've got some updated numbers  
9 on the number of people that have signed up for  
10 the petition. We now have 88 signatures, of  
11 which 83 are boaters, active boaters. And  
12 eighty -- and 37 are riparian, I had to look  
13 that up, or waterfront property owners. So  
14 everybody that we have talked to in our  
15 spirited influence and our friends up and down  
16 the river, no one thinks that this is a good  
17 idea. And I have the signatures to show that.  
18 So let me walk through a couple points. First  
19 of all, we believe in the safe and  
20 uninterrupted enjoyment of Patuxent River.  
21 When we bought waterfront property, as well as

1 many people have up and down the river, we  
2 think that we have a right to enjoy it for  
3 recreational use. We understand near marinas  
4 and there is other safe zones that are required  
5 for boater safety, but we believe in the -- in  
6 the right to safely and to use the Patuxent  
7 River for our recreational enjoyment. We think  
8 that by passing this request it would unfairly  
9 impact the public and residents. What I mean  
10 by that is one family can go ahead and petition  
11 and basically block down the river to  
12 recreational boating for about a mile. Then  
13 what do the other boaters get to do. Well,  
14 then that section of water is going to be  
15 basically off limits. Sure, you can transient  
16 up and down that section of water for six  
17 knots, but it's basically closed down for  
18 recreational boating just for the enjoyment of  
19 one family. Let me just say, I really  
20 appreciate the energy and zeal to protect the  
21 water line. I've only been a Maryland

1 waterfront owner for about two years, but  
2 people up and down the river have complained  
3 about the erosion on Holland Cliffs Road and  
4 other parts of the Patuxent River. So erosion  
5 is a very real event. No one is trying to say  
6 that's not occurring. However, how does it --  
7 how is that erosion best mitigated. Third  
8 bullet there, petitioners request for  
9 regulation limits the personal enjoyment of  
10 others, claiming that it will help shoreline  
11 erosion. I actually did some investigation on  
12 that. And I have a couple of studies that I  
13 can reference. Yet they maintain a -- I'm not  
14 sure if the sandy beach is going to be  
15 maintained or all that is going to be the  
16 living shoreline, but really in the study that  
17 I did, one of the biggest harms you can do for  
18 a shoreline is removal of those natural  
19 protections of the grasses and the shoreline  
20 that exists. When you expose that to wind or  
21 waves or anything, that's when the erosion is

1 going to occur. Part of that erosion that the  
2 petitioner is experiencing is actually  
3 self-induced. It's self-induced. On the  
4 fourth bullet there, the scientific basis of  
5 the petitioners is really without merit. So  
6 I'm going to go through in just a minute or two  
7 a couple of different quotes here. But several  
8 Government studies are consistent in  
9 determining that natural and wave action is the  
10 primary cause of shoreline erosion, not boat  
11 wakes. I'll point to that in a just a moment.  
12 It's not just my opinion, although I actually  
13 went out and did what I call a wave volume  
14 model. I mentioned that I was an engineer, I  
15 like to look at data, I want to look at facts.  
16 I went out to the end of my pier and I used my  
17 boat in the middle of the river, I had a tape  
18 measurer, I was measuring wave heights and wave  
19 lengths, and wave period with a stop watch for  
20 different wind events across my river and --  
21 where I live. And so what I found was if you

1           have just a small amount of wave action, it's  
2           like a Dixie cup splashing up the water.  
3           Obviously the more wind that you have you get  
4           wave volume coming through there. But what I  
5           estimated very conservatively is if you've got  
6           five to 600 boats per day coming through that  
7           area, which there is no way you have five or  
8           600 boats, compare that with the amount of wind  
9           and wave action from wind and storms, and I  
10          calculated about a three to four percent impact  
11          due to boats on that shoreline. That happens  
12          to be consistent with some other measurements  
13          that were actually done up in Anne Arundel  
14          County. And the last bullet there is if this  
15          proposal is approved, it sets an interesting  
16          precedent. The precedent will be in place for  
17          other residents along the Patuxent River to  
18          come before the Board next year to basically  
19          lock down their sections of the water to  
20          protect their shoreline. So if you take that  
21          outcome out a couple years, you'll have this

1 section of water and then this section of water  
2 and then this section of water, and it's going  
3 to be a 6-mile an hour zone for miles up and  
4 down the Patuxent River. And so where are you  
5 going to do recreational boating. That's going  
6 to impact other -- have other secondary  
7 impacts. Me, as a potential purchaser two  
8 years ago, if we rewind the clock, if the  
9 Patuxent River was getting locked down for  
10 recreational boating, and I already mentioned I  
11 have three boats, I wouldn't have bought my  
12 property here. Neither would probably a lot of  
13 other people. And then what's going to happen  
14 to those property values. Well, I'm not going  
15 to buy. A lot of recreational boaters are not  
16 going to spend the money to just put a kayak in  
17 the water. And if depresses the property  
18 values, it's going to depress the tax income  
19 that you derive. It's going to impact the tax  
20 basis. Next slide. So let me just point out a  
21 couple other things here. The studies I

1 referred to, there's two of them, one in 1980  
2 and one in 2014. They are both consistent that  
3 wind fetch is the primary driver of erosion and  
4 not boat wakes. I did my wave volume study,  
5 again I did it myself, it's not peer reviewed,  
6 but it was very consistent with those prior two  
7 studies. Third bullet. Natural and shoreline  
8 grasses is an effective barrier against  
9 shoreline erosion. And human interaction and  
10 the removal of those grasses greatly harms the  
11 ability of the shoreline to resist erosion.  
12 Self-induced. Next bullet. And this is  
13 something that you didn't mention, it sounds  
14 like you folks did a lot of research, but you  
15 didn't mention this one. This came up in a  
16 couple of studies. Boaters transitioning from  
17 operational or recreational speeds to slower  
18 speeds unknowingly generate near maximum waves.  
19 So if I'm waterskiing at 28 to 30 miles an  
20 hour, the boat wake behind my Mastercraft is so  
21 big. As I'm slowing down to 30, 20, 15, I am



1 now generating a larger wake. Okay. The other  
2 thing that was evident in one of the studies,  
3 and if time permits I'll refer to it, but one  
4 of the slides in my backup that, you know, I'm  
5 a little pissed off, I don't like the 6-mile  
6 wake, so I'm going to go 8 miles, or 9 miles.  
7 I'm going to live by the intent of the law but  
8 not the spirit of the law. So I'm going to go  
9 eight or nine knots. Studies have shown that  
10 most of those recreational boats produce the  
11 maximum wake between six and ten knots. If you  
12 let me go 30 knots or 22 knots, I'm producing a  
13 smaller wake. Just let me go, let me pass on  
14 through. And that's what the second to last  
15 bullet says. Boats traveling at operational  
16 speed produce a smaller wake. And then the  
17 last one here I found interesting. I didn't  
18 expect this but it came up in several studies,  
19 that if you're going to produce a living  
20 shoreline with the rock, kind of the rock berm  
21 there, it's obviously an effective means for

1 shoreline erosion. And what I didn't expect  
2 was the wave action acts as a transport  
3 mechanism for sediment and sand deposits and  
4 can be beneficial to your living shoreline  
5 program. So those waves that cause harm to a  
6 naked sandy beach, once you put up that --  
7 those rocks and the barriers, the wave action  
8 acts as a transport meeting and is helpful to  
9 your program. The studies show that. This is  
10 not emotion, this is something I read and the  
11 references are there. So in summary, the  
12 science does not support that boaters are a  
13 large or significant cause for shoreline  
14 erosion. Studies also show that a naked  
15 landscape there, usually due to human  
16 interaction, human manipulation of the  
17 shoreline exposing the sandy beach, that is a  
18 primary driver that causes the erosion because  
19 it eliminates that natural barrier. And this  
20 is also really bad policy. If this is  
21 approved, then I and Ryan and other waterfront

1 property owners up and down the Patuxent River,  
2 we're going to be here next year and we're  
3 going to want our shoreline locked down --  
4 because what's going to happen, it's going to  
5 drive boating traffic from this section of the  
6 river to another section of the river. And  
7 I'll lock down my section of the river and then  
8 it's going to drive recreational boating and  
9 waterskiing somewhere else. Pretty soon you're  
10 going to have a 3-mile stretch of river  
11 somewhere in the Patuxent River and all it is  
12 is boats swirling around because the rest of  
13 the river has been locked down. And I don't  
14 think that's fair. That's not good for the  
15 public, it's not good for recreational boating.  
16 Any questions.

17 AMY CRAIG: Any questions from the  
18 committee. Thank you. Mr. Hutchins, did you  
19 have anything to add.

20 RYAN HUTCHINS: I'll just tack on to what  
21 Tom was saying. My name is Ryan Hutchins.

1           AMY CRAIG: Please, just new information.

2           RYAN HUTCHINS: I'll keep it brief. I've  
3 lived on the river since '92, grew up there,  
4 live there now. I just want to say I think the  
5 case that wakeboarding has increased in the  
6 past two years, you know, the fact that there  
7 is no real quantitative data to back that up.  
8 I wakeboard personally, been doing that a lot.  
9 I see that as kind of normal. I don't think  
10 there has been any increase in the past two  
11 years. Again, I don't have the quantitative  
12 data. The qualitative data, what I see, it's  
13 just been the same. There is no increase on  
14 the amount of people. I will also say with how  
15 narrow the river is, you're not having three,  
16 four, five boats wakeboarding up and down the  
17 river at the same time. It's going to be one  
18 boat and another passes by and moves to another  
19 area. This increase of wakeboarding is not  
20 going to be four or five boats going down at  
21 the same time creating wake, it's going to be

1 one boat.

2 AUDIENCE: You do know -- not just one --

3 AMY CRAIG: Sir, you'll have your turn.

4 RYAN HUTCHINS: I live there, I grew up  
5 there, it's a great place for wakeboarding, the  
6 water is smooth. So is the other bend. Maybe  
7 two boats. Maybe two boats. But that's -- I  
8 would say it's quite the normal. I wouldn't  
9 say there's an increase in frequency over the  
10 past two years. That's really what I wanted to  
11 add. Tom did a great job on the quantitative  
12 data. The only other thing to add on is the  
13 public interest of boaters to the north. I  
14 think that there is a lot of -- all the people  
15 that live on the water and boat to the north  
16 are going to be severely impacted by this. So  
17 all of our marinas, all of our gas docks,  
18 restaurants, bars, whatever, are on the  
19 southern part of the river. There's nothing on  
20 the northern part. So every home owner, every  
21 waterfront owner, is going to have to navigate

1 through this pass on their way out and back in,  
2 every single time. And as like Tom said, it  
3 greatly impacts property values. Thank you for  
4 your time.

5 AMY CRAIG: Any questions from the  
6 committee. No. Thank you. Mr. Lee, would you  
7 like to speak.

8 CHIP LEE: I'm done.

9 AUDIENCE: Can I ask a question? You say  
10 that there is impact to the north, boaters from  
11 the north.

12 AMY CRAIG: I'm sorry, ma'am, the  
13 questions come from the committee.

14 AUDIENCE: I'm sorry.

15 AMY CRAIG: Thank you. Well, that seems  
16 to be all the people who signed up for comments  
17 on the Patuxent River. Thank you all. Is  
18 there any report from NRB.

19 SERGEANT RICE: Sergeant Rice, Maryland  
20 Natural Resources Police. We did conduct the  
21 speed zone study but it's not going to contain

1 any historical data, just going to be a couple  
2 points. Basically boating traffic appears to  
3 be mainly recreational mostly in transit at  
4 cruising speeds. There is some waterskiing  
5 activity, although I did not personally witness  
6 it. Personal watercraft, cabin watercraft,  
7 including some bass boats were seen zipping up  
8 and down the river. We did note that an  
9 extended speed zone will probably draw  
10 complaints, as this areas is mostly used by  
11 recreational and vessels in transit. However,  
12 there is an existing speed zone around the  
13 Magruder's Ferry Landing, and really I consider  
14 it to be to small to provide a protection. As  
15 you could see on the map, it's just a little  
16 postage stamp around the boat ramp. That's  
17 really a separate issue. We have got many boat  
18 ramps in the area completely unprotected, so I  
19 don't know if that's an actual consideration  
20 for you folks. Other than that, recreational  
21 boat traffic comes down to about eight boats

1 per hour based on the various data points that  
2 we took. And that was both weekday and weekend  
3 at various points of the day. And if a speed  
4 zone is implemented we do ask that it be  
5 properly marked, preferably solid signs on both  
6 shoreline points, at least one buoy at the  
7 start to give people a fighting chance to  
8 realize that there is a speed zone there now.  
9 Any questions for me.

10 AMY CRAIG: Mr. Pepe.

11 JON PEPE: The land that's just south of  
12 this, the boat ramp, have there been any  
13 reports of safety issues, damage or anything  
14 from boats launching or retrieval there.

15 SERGEANT RICE: No, we have not received  
16 any calls for service in the area. Our calls  
17 for service in the area are mostly disabled  
18 vessels and various fishing and crabbing  
19 complaints. There have been no notification of  
20 any damage that we have heard of.

21 AMY CRAIG: Any other questions for the



1 officer. Thank you. Mike. You're up with  
2 South River.

3 MIKE GRANT: South River, Edgewater Beach,  
4 Cape Saint John. They're requesting extension  
5 of the Route 2 bridge to a six knot all time  
6 zone. The original request coming from  
7 Edgewater Beach on the southern side of this  
8 map, that you establish a six knot zone from  
9 the north side of the existing Route 2 zone  
10 through that dotted line. Just by mile marker  
11 17. This is not much different than the  
12 request back in 2012 -- yeah, 2012. After they  
13 learned that Cape Saint John came in with a  
14 request to reduce the speed from -- between  
15 both zones, they decided to go with the Cape  
16 Saint John request. The numbers at the bottom  
17 in the white box represent the average time it  
18 would take to travel that zone based on the  
19 speed, length, et cetera, keeping in mind that  
20 the Riva Bridge is six knots Saturday, Sunday  
21 and state holidays. During the week it's a

1 35/20 speed limit as is the rest of the river.  
2 Another picture here showing the current  
3 channel. And I will say we witnessed smaller  
4 boats coming to the south side of marker 17  
5 although it's pretty shallow. And we did  
6 follow a rather large 45-foot motor yacht  
7 cruising north of number 18 in the dark blue  
8 area. This is a representation of the current  
9 speed limits in the area. You can see green is  
10 the 35 day, 20 evening on most of the river.  
11 And the six knots for the Route 2 zone is a  
12 pretty large zone. And of course some of the  
13 smaller creeks. Another representation, of  
14 course it's 17 to the north to the Cape Saint  
15 John side, about 980 feet, and just a short  
16 distance, 230 feet, at marker 17 south, but  
17 only kayaks and canoes really go through there.  
18 It's really shallow. Same thing, above 18,  
19 it's pretty shallow. I'm still amazed that  
20 motor yacht got through. And on the south side  
21 there's a ton of room to get through there.

1 Close-up of Edgewater Beach's recreational  
2 area. The north side is established with a  
3 very, very low rip-rap. And of course the  
4 marina itself does prevent some wave action  
5 from getting into the beach area but  
6 essentially that area is sea level. It's very,  
7 very low. This is a picture from 1994  
8 representing the area. Not much has changed in  
9 the two -- '94 to 2017. In fact if you look  
10 right here, this is the only area on this side  
11 that does not have bulkheading as far as  
12 homeowners go and it's still the same area  
13 right here. Everybody else is bulkhead along  
14 here and back up in here. This side is -- has  
15 some but not 100 percent. What's happening  
16 here, what we witnessed, is when there is any  
17 kind of wave action, it starts from up here,  
18 rolls down and rolls down this bulkhead until  
19 it gets to right here. And this bulkhead  
20 continues in on an angle. Waves come in and  
21 they just assault this area right here. It's

1           pretty interesting. And the same thing, not so  
2           much because you're a six knot zone through  
3           here, across to here. So they are decelerating  
4           at this point. You'll get some action that  
5           rolls in, but this is more dramatic right here.

6           COMPUTER OPERATOR: I would like to add  
7           too right above the bottom right on the word  
8           Google, if you look at this, all these piers  
9           are still in place intact. The only one that's  
10          been added is right here, right above the word  
11          Google, that short one right there. All the  
12          rest, that's the only new pier along this whole  
13          stretch since 1994 from the photo description.

14          MIKE GRANT: This area right here is  
15          Chestnut Hills, private beach. Chestnut Hills  
16          up this side, Edgewater Beach is on this side  
17          right here. Unfortunately these three people  
18          here are suffering it as a result of the  
19          bulkheading on both sides. Next. Petitions  
20          received. Edgewater Beach was 74 signatures,  
21          35 were riparian. Cape Saint John, 27. All 27

1 were riparian. Calls and e-mails, there were  
2 three for and three against. This is a report  
3 from the Shoreline Conservation Service. There  
4 are some copies left up there. The first part  
5 of this report speaks to the report that was  
6 produced in 2012 basically saying that due to  
7 the fetch, the way the river is shaped,  
8 bulkheading, et cetera, and the very low area  
9 of the community beach, it's generally mother  
10 earth that's doing the damage. Next. Here's a  
11 picture, this is the late 1800's. The purple  
12 line. And from the late 1800's for another 87  
13 years, this is how much was lost. This is from  
14 the 30's to current to here, and then this is  
15 the last ten or 15 years. So the majority of  
16 this damage or shoreline loss was before wake  
17 boats, ski boats, many yachts, et cetera,  
18 coming down the river. It was mother earth,  
19 mother nature. Next. And there's the evidence  
20 that fits. 127 feet of shoreline was lost  
21 between 1847 to 1934. That's an 87 year

1 period. Again, it's -- the biggest thing is  
2 fetch and mother nature and storms more than  
3 boat action. Cape Saint John is a different  
4 scenario. Cape Saint John is tricky. A lot of  
5 hills, lot of steep banks, most of the area is  
6 rip-rap. The entrance to the local creek,  
7 little pond back in the middle of Cape Saint  
8 John, one side is an attempt at rip-rapping,  
9 whatever they can find to throw on the shore,  
10 the other side is not. And both sides are  
11 equal. So the grassy side to the left of the  
12 entrance seems fine and the rip-rap side just  
13 as fine but with rip-rap. Based on the  
14 conversations we had with the shoreline people,  
15 Cape Saint John suffers with the same problems  
16 that a lot of people have when you have a large  
17 high cliff next to the water. Land itself  
18 seeks a three to one ratio. And that's the  
19 slope that mother nature takes land to, no  
20 matter what you do, no matter what you put at  
21 the bottom of the slope, no what matter what

1 shove area, water line you put in, mother  
2 nature, unless you use something going up the  
3 bank and create a three to one ratio, it's  
4 going to keep eating away. If you go around  
5 the corner -- go back a slide. Keep going. If  
6 you go around the corner here, on Cape Saint  
7 John, someone has done a phenomenal job of  
8 terracing their land and it's buffering higher  
9 cliff areas back -- that actual terracing  
10 created a three to one ratio and that land will  
11 probably be there forever. When you add less  
12 than that, and I'm getting this from our  
13 shoreline people, I'm not the expert, but if  
14 you try to put a choke at the bottom of the  
15 rip-rap and do nothing about the land above it,  
16 you're going to get erosion along here.

17 COMPUTER OPERATOR: It's past the bridge.  
18 The bridge --

19 MIKE GRANT: There is two of them. One  
20 right here. There is a really nice up above  
21 Cape Saint John. Anyway, go forward. Again,

1 bottom line, assumption is that it's mother  
2 nature. Again. And the Cape Saint John side  
3 you have about six-mile fetch coming up the  
4 river blasting against this area right here.  
5 Next. Any questions?

6 AMY CRAIG: Questions from the committee?

7 CHRIS PARLIN: Actually one quick  
8 question. Just to confirm. I'm sitting next  
9 to him. All times or year round?

10 MIKE GRANT: Six knot all time is the  
11 request.

12 CHRIS PARLIN: Year round or boating  
13 season.

14 MIKE GRANT: All time.

15 CHRIS PARLIN: Year round.

16 AMY CRAIG: Do we have an NRP officer to  
17 comment.

18 NRP OFFICER: Basically concerning the  
19 South River and this speed zone here. There  
20 has not been for the past several years, there  
21 has not been a significant increase in the



1 amount of traffic in the South River. South  
2 River is one of the most heavily traveled  
3 rivers in Anne Arundel County or throughout the  
4 entire Bay area. But also to coincide with  
5 that, in the last 22 months there has only been  
6 a little over 40 calls for service on the South  
7 River in that area. So speed and -- safety and  
8 speed in that part of the river has not been an  
9 issue.

10 AMY CRAIG: Any questions from the  
11 committee. Mr. Pepe.

12 JON PEPE: Officer, could you expound on  
13 the calls that you got. Were they for safety,  
14 were they for boats that were disabled. Could  
15 you break it down a little bit.

16 NRP OFFICER: It was a combination of  
17 boat -- I don't have exact numbers in front of  
18 me. But when it's 44 calls over the course of  
19 22 months, of course a busy summer, anybody who  
20 has come across the South River bridge has seen  
21 the South River, and 44 calls is negligible.

1           JON PEPE: Thank you.

2           AMY CRAIG: Anyone else on the committee  
3 with questions. Thank you, sir. Public  
4 comments. Buddy Garland.

5           BUDDY GARLAND: Fortunately, like our  
6 previous guy, also got free college. I went to  
7 the Naval Academy so I like to use flip charts  
8 and maps and things. So I appreciate the 11 of  
9 you serving on the committee. Public service  
10 is not easy. I did public service for many  
11 years. I was Navy, submarines and then federal  
12 Government. Retired after serving the  
13 Government. I was more addressing the  
14 committee, but I realize everybody in this room  
15 bothered to show up, so talk to everyone. So I  
16 still serve in public service and care deeply  
17 about the country, care deeply about this area.  
18 I was born in Mayo, all the way down the  
19 peninsula. Actually you could call on your  
20 phone, if you just look on your little map, you  
21 see the size of the South River. How far do

1           you think it is from the bay all the way to the  
2           end of the South River like where Route 50 is.  
3           Have any idea? It's about 10 miles.

4                   COLES MARSH: I thought it was about six.

5                   BUDDY GARLAND: So about 10 miles from  
6           like Route 50 where it crosses that kind of  
7           marshy all the way day. And Coles lives, his  
8           house on Hillsmere, so it's about 10 miles. So  
9           the segment that we're talking about here as  
10          pointed out in the picture is about  
11          three-quarters of a mile between the two zones  
12          that currently exist. And so on that 10-mile  
13          zone, yeah, it kind of narrow stretches all the  
14          way up the river. You'll notice that I was an  
15          engineer and part of this, so the way that  
16          the -- the way the river is oriented, once you  
17          get past the bridge, it kind of doubles and  
18          triples in width around here. So sitting at my  
19          house, which is right on that corner they keep  
20          pointing to, I'm right next to that community,  
21          it's a little over a thousand feet across the

1 way there. And then it opens up to a few miles  
2 when you get out here and then you get out to  
3 the Bay. And so we certainly have a lot of  
4 people who are affected. And we're not --  
5 Edgewater Beach and Cape Saint John and such,  
6 we're not trying to seek some sort of  
7 environmental remediation. So I got the  
8 impression from Mike's presentation he was  
9 trying to address environmental remediation,  
10 and that's not our primary concern. So we  
11 first looked at what are the issues, and for us  
12 the number one issue is safety. And so lately  
13 Natural Resources Police -- I grew up in Mayo  
14 and I've here my whole life except for when the  
15 Navy took me to Scotland and other places to  
16 deploy. I have friends who were in the Natural  
17 Resources Police and I've been on their boats.  
18 Natural Resources Police don't hang out where  
19 the boating is occurring all the time because  
20 they have to go where? Where would you go if  
21 you're marine police. I would go to where the

1 44 calls are, right. That's what happens, you  
2 get calls, you go there. And so they are not  
3 always sitting at the South River looking at  
4 this little segment. Right. There is a little  
5 dogleg that that picture showed pretty well. I  
6 live by day marker 17, and bay marking 18 is  
7 just off the point for Cape Saint John. And so  
8 it doglegs, heads kind of southeast and then it  
9 comes back northeast. Again, it's never a mile  
10 across there. It's anywhere from a thousand  
11 feet to 1500 feet across that segment. And so  
12 primarily not looking at recreational boaters  
13 like the waterskiers and the wakeboarders.  
14 That's not the number one things that we're  
15 seeing as far as traffic. Frequently it's  
16 transient, often times high rate of speed,  
17 especially at night. Great music. The cool  
18 thing about the water is that the music bounces  
19 off. You can have your plane low on your boat  
20 and also unfortunately anything you say on the  
21 boat we can hear it louder than you can. So

1           it's a small section of the river. And it's  
2           narrow. And there are dangers. When you come  
3           around the point what do you always see?  
4           Steve, what do you see, you sail?

5                     STEVE KLING: You don't get to ask  
6           questions.

7                     BUDDY GARLAND: Sorry. I went to that  
8           wrong school, that free school, unfortunately  
9           they're always asking us questions. So when  
10          you come around the point, you're going to find  
11          shoal water. What do you catch in shoal water.  
12          You catch soft crabs, certain kind of fish you  
13          can catch. That's where your children would  
14          typically go. That's what we have taught, what  
15          was passed down from our parents and our grand  
16          parents was chicken necking and running a trot  
17          line, casting a spinner. All of you have done  
18          that. If you haven't done that, I'm not sure  
19          you've lived. The situation is that's what our  
20          children are doing, right. So they are going  
21          to shoal waters looking for soft crabs and they

1 are chicken necking off piers. So we looked  
2 at -- Mike ran off on me.

3 COMPUTER OPERATOR: I just wanted to see  
4 your drawing.

5 BUDDY GARLAND: We wanted to look at how  
6 to achieve safe cooperative protection. We're  
7 not looking to radically change the rollover or  
8 change the shorelines. You can see, there is  
9 plenty of these, I don't know if you call that  
10 a cruiser, I don't know what you call those  
11 kind of boats. It's a little bigger than a  
12 fishing boat. We have plenty that -- the walk  
13 around fishing boats, but they are a little  
14 bigger than that. When they plow through, they  
15 are very large wakes. You see it. That's our  
16 community beach. It's about 3 acres, it's on  
17 that point. And you can see we have a  
18 playground for the children, there's a little  
19 shelter. Ironically, if I had taken a picture  
20 this morning, you would see that the erosion  
21 has gone all the way up to the shelter and we

1 have lost about two blocks, two cinder blocks  
2 full. Now, what you see here in the picture,  
3 but I'm not allowed to ask questions so I'll  
4 have to tell you, you see, they call them PWC's  
5 now. They don't call them jet ski any more,  
6 they call them personal watercraft. So the  
7 personal watercraft, they like to run through  
8 on the shoal water. Why would you think that  
9 is. Well, they are not from around here. They  
10 rent down the river and then they come up the  
11 river, because I think the rental people tell  
12 them, "hey, go up the river, you won't run into  
13 people." If you go inside the day markers,  
14 that's what you do. You may run aground. Just  
15 on the full moon, when the wind was out, you  
16 could walk out to that table. That's how  
17 shallow the water is right there. Same thing  
18 on the 18, like Mike was saying, kind of  
19 shocking that big trawler could push through  
20 there. He must have hit it at high tide if he  
21 comes inside the day marker. But he bought



1           that boat, or she bought that boat, so it's up  
2           to them. But the issue is one of our children  
3           was out soft crabbing or fishing, there are  
4           risks because people come up and it's a little  
5           blind. When they come shooting out from that  
6           marina over there, they are running kind of  
7           around this point, they are not going to see  
8           what's around there. Then they go "what's  
9           this." Is it an odd black can. No, it's not.  
10          It's not a mednon, for the sailors in the room.  
11          It's a buoy that was set in by someone under  
12          the authority of the Department of Natural  
13          Resources that says control your speed, this is  
14          a narrow area, and it's under study. Hasn't  
15          really done anything I'll tell you. We might  
16          dream for a day when we have eight boats per  
17          hour. We have far more than eight boats per  
18          hour come through there. We have more than 100  
19          a day on weekends. During the weekends,  
20          hundreds. We could have 50 boats in a single  
21          hour. And they are just running all over each

1 other. What do you think -- PWC, what are they  
2 like. Anybody ever driven one of those. They  
3 like to run behind the boats and jump the  
4 wakes. Like that's exciting for them. At  
5 fifty-five, it's not exciting at 55. I  
6 accidentally bumped into wakes when I was down  
7 at Lake Anna, and it doesn't feel good. I  
8 don't know why they are doing it. They are  
9 chasing big trawlers, they are jumping over the  
10 wakes, and they are -- when they come out here,  
11 they are not watching. They don't know it's  
12 narrow. It's less than a thousand feet. So  
13 all we are proposing is if you look at the  
14 existing speed zone, we're just proposing to  
15 consolidate that zone, right. And there is an  
16 interesting thing, why is -- they pointed out  
17 how big the zone is throughout the South River.  
18 Why do you think the zone is big by the South  
19 River. We already know that because we're the  
20 committee and we're the ones that approved it  
21 because the marinas are there and the marinas

1           were requesting it. Which is great, right.  
2           I'm all for commerce, I'm all for people to  
3           make money and survive. I don't want anybody  
4           being stuck not having ways to protect their  
5           livelihood. Interestingly, Pete Pierre  
6           represents Mike's Crab House, he's part of the  
7           family, he came to us and said he wants this.  
8           Right now his zone got restricted from seven  
9           days down to Saturday, Sunday and holidays and  
10          it's killing their business. They can't get  
11          people to pull up and get out of the boat and  
12          get into the restaurant because of the wakes  
13          that come by. Pete said, "hey, I'll write a  
14          letter, I'll speak on behalf." So this is what  
15          we're proposing. Three things we care about.  
16          We care about the safety of navigation.  
17          Because we are boaters. There's 74 people that  
18          signed it. They own boats. Whole neighborhood  
19          owns boats. There's four boats on my pier. I  
20          have my boat and then three -- four of my  
21          neighbors have boats on it. Secondly, we care

1 about cooperation amongst people. We don't  
2 want to come in and say "I'm tall, you're  
3 small, I'm right, you're wrong." We're never  
4 going to there. And the third thing is a  
5 protection of all those people interests. We  
6 want the wave runner, PWC, we want them to have  
7 a place to go. We want the boats to be able to  
8 ride and run, right.

9 AMY CRAIG: Mr. Garland, we have a lot of  
10 people to speak. Can you please wrap it up.

11 BUDDY GARLAND: Indeed. Thank you, Ms.  
12 Amy. So talking about three things. Who is  
13 involved, what are their interests, how are we  
14 going to get there. So quickly we would say  
15 who is involved. It's the people crabbing and  
16 fishing from the shore. It's the people who  
17 are crabbing and fishing on small boats.  
18 Almost every morning in the summer I look out  
19 my window at 6:00 a.m. and I'll see a little  
20 john boat running trot line. So then the power  
21 boaters. I'm not in a rush. I promise, I will

1 finish in minutes and I'm not in a rush.

2 AMY CRAIG: Right. But we have 20 more  
3 people to speak.

4 BUDDY GARLAND: I'll finish in a couple  
5 minutes. Power boaters, sailboaters. As  
6 Americans, if I say something, if I say Coles  
7 lives in Hillsmere, he's going to say "well, I  
8 really live in Lewes, Delaware." As Americans,  
9 we always oppose the first thing that's  
10 presented to us. What's the next slide say.  
11 There is a lot more people. There is a crew  
12 club. Janet Delaney is here, who is in our  
13 neighborhood, and she rows in the crew club.  
14 That crew club goes out four, five days a week.  
15 There's many, many sculls. And you can only  
16 imagine the interruption of a big plowing boat  
17 when your riding crew. We have a kayak club  
18 comes on Wednesday's. 50 plus kayaks every  
19 Wednesday. Andrew Lucik in our neighborhood  
20 chairs that. So those folks come up. We have  
21 many recreational kayaks that go around there.

1 Now we have paddle boarders. But these  
2 personal watercraft and the renters are really  
3 a significant issue. And then the residents  
4 who live here, actually they have a voice. The  
5 folks whose shorelines are messed up. And  
6 then, next, is Mike's Crab House and their  
7 customers. You know, we talk about protecting  
8 rights. I'm not as big into that. We have the  
9 military and police to do that. But in this  
10 case I'm just a resident. Are there hazards to  
11 navigation. Obviously.

12 AMY CRAIG: Mr. Garland, you have one  
13 minute.

14 BUDDY GARLAND: Thank you, Ms. Amy.  
15 Obviously we put day marker 17 and day marker  
16 18 there. So we must think there is hazards to  
17 navigation. Is it wise to control speed near  
18 shoals. So the majority of the .72 miles in  
19 between these is in shoal water, and we have  
20 day markers, so we are obviously in agreement  
21 that we should protect that speed. However, we

1 have uninitiated boaters that frequently go  
2 blasting through there. You should see it at  
3 night. Twenty at night. 35. It's 35. I am a  
4 former waterskier. I waterskied competitively  
5 for many, many years. I have dropped down to  
6 28. I skied last summer, I dropped down to 28.  
7 I know what 35 looks like. And people coming  
8 in between --

9 AMY CRAIG: Mr. Garland, we need to have  
10 time for everybody to get their chance.

11 BUDDY GARLAND: Yes. Yes.

12 AMY CRAIG: Your time is up, sir.

13 BUDDY GARLAND: Let's just flash through  
14 this.

15 AMY CRAIG: We got it. If there is  
16 anything knew to add --

17 BUDDY GARLAND: There is two more slides.  
18 One and then skip through a bunch.

19 AMY CRAIG: Is Roxanne Garland here.

20 BUDDY GARLAND: Right there. Wisely  
21 control speed in a narrow channel.

1           AMY CRAIG:  Sir.  Is Roxanne Garland here.

2           ROXANNE GARLAND:  I am here and I'll allow  
3 him to use my time.

4           BUDDY GARLAND:  How will the renters view  
5 safe cooperation protection.  Unfortunately  
6 they say what's in it for me.  That's what  
7 power boaters -- the large power boaters say.  
8 They don't really live there, right.  They are  
9 transiting through.  So if you consider --

10          AMY CRAIG:  Thank you, Mr. Garland.  
11 The --

12          BUDDY GARLAND:  -- and think about the  
13 opportunity.  However --

14          AMY CRAIG:  Thank you, Mr. Garland.

15          BUDDY GARLAND:  Thank you, Ms. Amy.  I  
16 apologize for taking more time.  I didn't  
17 realize there was a time limit or I could have  
18 adjusted.

19          AMY CRAIG:  We have a lot of people here  
20 that want their voices heard as well.

21          BUDDY GARLAND:  Maybe next we can have a



1 time limit.

2 AMY CRAIG: Robert Mollins. Robert  
3 Mollins for the petition.

4 ROBERT MOLLINS: I don't have any prepared  
5 comments, but I'm one of the property owners  
6 about halfway up from the bridge to the point.  
7 And one of the things that I noticed is with  
8 that -- with that line that comes from Cape  
9 Saint Claire down to the lower end of the  
10 bridge tends to force a lot of the boaters  
11 because they want to keep their speeds up as  
12 far as possible. They tend to hug the southern  
13 shore and that just increases the danger for  
14 people who are swimming, people who are paddle  
15 boarding, people who are just enjoying the  
16 water on that side of the -- on that side of  
17 the river. That's the only thing I would add  
18 to what Mike had to say.

19 AMY CRAIG: Thank you. Penny Nichols.

20 PENNY NICHOLS: I don't want to say  
21 nothing. I come to listen.

1           AMY CRAIG: Mike Cunningham, or Samantha  
2 Cunningham.

3           MIKE CUNNINGHAM: Thank you for the time  
4 this morning, committee. With respect to some  
5 of the images and some of the data, I am by no  
6 means here to speak with peer reviewed  
7 literature or data analysis. It is my  
8 background academically, but coming from a  
9 public health perspective, what's happening to  
10 that area around green marker 17 is there is a  
11 renaissance in terms of the type of boater with  
12 some of the clubs. Also the high schools with  
13 crew clubs that are out there. Children like  
14 mine, Samantha, in kayaks all of whom have seen  
15 this activity. It was not happenstance that  
16 that image was taken of the rental jet ski.  
17 That's commonplace. That's a pragmatic  
18 comment, that's not emotion. And what we have  
19 right now is a renaissance. We have the  
20 conjunction of a business in concert with  
21 boaters. I have a power boat, I have stand-up

1 paddle boards, I have kayaks and sailboats,  
2 I've grown up on the river, and I happen to  
3 live right on the peninsula. There is a bigger  
4 issue at play. And I can look each and every  
5 one of you in the eye and say unequivocally it  
6 is my professional opinion that it is a public  
7 health issue. We have a bottleneck there where  
8 there is going to be a collision course. With  
9 respect to the 22 or so reports, I have to say  
10 too that needs to be qualified because we were  
11 told by DNR to exercise calls. Which is  
12 something that as a community we haven't done  
13 historically. So I would surmise since we  
14 launched this proposal at the end of last  
15 spring, the large majority of those calls did  
16 in fact come at the behest of DNR who wanted to  
17 know that. Incidentally, that gentleman and  
18 countless others were stopped, citations were  
19 issued. I can tell you if I hung a web came  
20 outside the side of my house we would see that  
21 on any given Sunday. Not to say I'm not

1 skeptical of the numbers, but I'm saying the  
2 quality of the numbers and one of things I hear  
3 is analysis, right, studies. I think that's  
4 something we truly need to look into from a  
5 public health perspective. I thank you and I  
6 yield the floor.

7 AMY CRAIG: Thank you.

8 SAMANTHA CUNNINGHAM: Hi. My name is  
9 Samantha Cunningham and I married this guy. I  
10 waited a really long time to be a mom. And my  
11 number one job is safety and protecting my  
12 children. My husband and I really worked hard  
13 to have the home we have so we can teach our  
14 children how to fish and crab and just enjoy  
15 nature's bounty. Unfortunately with the  
16 traffic that's at that part of the river, it is  
17 to dangerous for us to take our boat out on the  
18 weekend. There are people that are out driving  
19 fast thinking that they can just stop like a  
20 car. There are people that are weaving in and  
21 out. It is the narrowest part of the South

1 River and it's probably the most congested  
2 between all the marinas and the restaurants.  
3 So for me, being able to protect my little  
4 ones, being able to protect my community, and  
5 being able to protect our resources is my  
6 priority. And just in a year and a half that  
7 my husband and I have lived in our home, we  
8 have noticed a good foot of just land eroding  
9 from our property. A foot in a year and a  
10 half. And that's mother nature. But it could  
11 also be the 17,000 pound trawlers plowing  
12 through and the wake that hits our sea wall,  
13 and wish I were laying, smacks our sea wall and  
14 shoots up eight to 10 feet. Then we have water  
15 sitting, and then back to my husband's  
16 thoughts, if that isn't a public health concern  
17 with mosquitoes breeding. I have a mother to  
18 multiples just down the street whose child was  
19 diagnosed with AFM. Which is basically a child  
20 starts out with a cold and then they are  
21 paralyzed from the neck down, and they are

1 gleaning it's coming from mosquitoes. There's  
2 also West Nile, there's Zika. There's all of  
3 these other things we have to worry about with  
4 standing water. Again, for me, my top priority  
5 is the safety and doing my job to protect my  
6 children. I stay at home, I get to see every  
7 day I'm looking out my window, and this is not  
8 a once in while situation of incidents  
9 occurring. I guess we have to have an incident  
10 for us to do something. There are near misses  
11 on a daily basis. And I don't want that blood  
12 on my hands. I'm done. Thank you.

13 AMY CRAIG: Thank you. Elizabeth Howell.  
14 Any comments.

15 AUDIENCE: She had to go.

16 AMY CRAIG: Jeff Packett. Any comments.

17 JEFF PACKETT: No, not at this time.

18 AMY CRAIG: Anybody else in favor of this  
19 petition who would like to speak.

20 GEORGE EVANS: Committee, thank you for  
21 allowing me to speak for a moment. My name is

1 George Evans.

2 AMY CRAIG: Please, just new information.  
3 Just new information.

4 GEORGE EVANS: Very good. I'm a licensed  
5 captain. I'm a boat owner. My boat is in a  
6 wet slip at piers Edgewater Beach to elaborate.  
7 If I could have the next slide. I have a  
8 pretty loud voice. Next slide, please. These  
9 are the concerns that I see as a boat owner  
10 resident at Edgewater Beach who is docked. And  
11 I'm in a wet slip. This high speed is not what  
12 I see most of concern. I see boats 30 feet and  
13 above going through the speed transition from  
14 six knots up to the plane speed. That's  
15 common. Next slide, please. We all know what  
16 it looks like. If you can turn this on, this  
17 is a video. Let's not dwell on it, we all know  
18 what it looks like. Up, down, eight knots of  
19 speed, large wake. Next slide, please. So  
20 here's what we see in our beach, in our  
21 swimming area. This is a video as well,

1 breaking waves. Next slide, please. This is a  
2 video as well. This is our pavilion with  
3 breaking waves in our pavilion. You'll note  
4 this -- that we're -- these breaking waves are  
5 cutting into a pavilion slab. And this  
6 happened to be during our community meeting two  
7 weeks ago. Next slide, please. This is a  
8 video. This is the end of our dock and pier.  
9 So while DNR pointed out that the erosion  
10 that's occurring is mostly in regards to  
11 natural causes, I also think that's a little  
12 disingenuous. If you look at the charts for  
13 South River, they show a northwest fetch of  
14 over a mile, southeast fetch of close to  
15 two miles. But those are only within  
16 10-degrees to the northwest and 30 degrees to  
17 the southwest. Most of us who have sailed on  
18 this Bay know that that is not -- that is  
19 unusual wind directions and certainly not  
20 enough to cause a fetch. Next slide, please.  
21 That's a video. Notice the mast. That's my



1 dog, but notice the mast. Next slide please.  
2 This is a little closer of what it looks like  
3 on the dock after a wake like that. Imagine  
4 your grandchild up on the bow trying to tie  
5 off. We all know, any of us who have sailed,  
6 any of us who have been on the bow of the boat,  
7 that kind of conditions, one hand for your  
8 boat, one hand for yourself, and no hands to  
9 tie up to the pier that's two feet away. Next  
10 slide. This is a video. I slowed it down.  
11 Look at the bow pole and the piling behind it.  
12 Again, I've been on the bow of a sailboat in  
13 extreme conditions. I've even sailed on Deep  
14 Creek Lake. But that is hard to operate in.  
15 Now, where is the current speed zone. The  
16 southeast end is over 2100 feet across. To the  
17 northeast end, that angle is over 2,000 feet.  
18 Total traveling distance and time is 2900 feet,  
19 about five and a half minutes. And the speed  
20 transition that you just watched occurs right  
21 in front of all of those docks that were in the

1 DNR photos, including the docks on our beach.  
2 It's kind of odd. The reason it's kind of odd  
3 is because of the distance between the start of  
4 the southeast end of the speed zone and Liberty  
5 Marina, for instance. So I would propose,  
6 invariably, that you were to consider, next  
7 slide, please, sliding the speed zone. This is  
8 consistent with what the communities have asked  
9 for. If you slid the speed zone up, you could  
10 maintain the same distance and same travel time  
11 and you would alleviate the -- most of the  
12 problems that are addressed by the communities  
13 here. As an alternative, if you really want to  
14 extend the speed zone, which I doubt you will,  
15 you could -- next slide, please -- you could  
16 switch the end of the speed zone between the  
17 two markers, which actually would be a good  
18 idea because it would provide two fixed marks  
19 as a line for the speed zone. The other thing  
20 that that would do in relationship to the  
21 shoreline erosion issues is that it would

1 change the directions of the boats going  
2 through there. Right now if you go six knots  
3 all the way to 18 and you speed up, your wake  
4 would be transmitted a thousand feet across to  
5 the other shoreline, as opposed to less than  
6 500 feet. Similarly, at 17, if you speed up,  
7 your direction is, I believe, to the shoreline,  
8 not -- the waves would not be coming in  
9 parallel to the shoreline. That concludes my  
10 comments. I hope that that provides you a  
11 satisfactory solution.

12 AMY CRAIG: Thank you, sir. Someone else  
13 speaking in favor of the petition. Please  
14 state your name as well.

15 JOHN WHITE: John White. I just wanted to  
16 pointed out I live on Boyd Point. If you know  
17 the anatomy of the area, which is -- there's  
18 kind of an illusion to Cape Saint John, and  
19 most of those comments were directed toward the  
20 cusp there. If you come out just before Riva  
21 Bridge there's an outcropping that comes in and

1 actually we're the narrowest point in the  
2 river, believe it or not. And I'm not going to  
3 browbeat you about erosion things. My  
4 neighbor, who is the owner of the rip-rap that  
5 you see, engineer tier things, the officer  
6 referred to earlier, I mean we're kind of like  
7 inured to the fact that like three years ago I  
8 put about \$50,000 in to put rip-rap in there  
9 and he put in about \$150,000. That's not why  
10 we're here today. If you are concerned about  
11 safety, and I didn't come prepared here today,  
12 but the jet skis that come around that narrow  
13 area are extremely dangerous. I don't know how  
14 that impacts on the bay restoration. It's kind  
15 of incoherent to me to kind of address some of  
16 the other issues and not really address the  
17 most extreme risk that Mr. Cunningham is  
18 referring to, the narrowest point of this  
19 entire area, which really hadn't been discussed  
20 earlier. I just wanted to raise that issue in  
21 terms of your consideration.

1           AMY CRAIG: Thank you, sir. Anybody else  
2           for the petition who would like to speak. Yes,  
3           ma'am. Please state your name and new  
4           information, please.

5           KIMBERLY GLASKOW: Morning. My name is  
6           Kimberly Glaskow. I similarly live on Boyds  
7           Point. I just wanted to support some of the  
8           comments that people have made with our  
9           personal experiences of living on this river.  
10          We own a power boat and a sailboat, we own two  
11          paddle boards, two kayaks. We use the water in  
12          a lot of different ways. With regard to the  
13          gentleman that showed the video of his sailboat  
14          in the waves. Our sailboat has had its mast  
15          snap off from the strength of the waves. When  
16          we were having it repaired, the people who were  
17          coming out to repair it asked us to put it up  
18          on our boat lift. So we took our power boat  
19          off and swapped those to put the sail boat on  
20          the boat lift. We thought it would be okay for  
21          one day for the power boat to be tied up and

1 not up on the lift. They didn't come to do the  
2 repair as quickly as possible. By that evening  
3 when the power boat hadn't been picked up, the  
4 force of the wakes was actually pulling the  
5 pilings, lifting the pilings visibly from  
6 having our power boat tied up. We had to race  
7 down, we could barely get the boat untied and  
8 out of there. I was very worried we were going  
9 to get seriously injured by having my hands  
10 crushed while trying to untie the boat. So  
11 that's all a very real experience. We have had  
12 circumstances where my husband was paddle  
13 boarding in front of the house, the wake -- and  
14 he's experienced, he's been doing this for  
15 years. The wake knocked him off his paddle  
16 board. And fortunately he only had a glancing  
17 blow into the piling. To the mother who was  
18 speaking before. We can't let our  
19 grandchildren play in the water right off our  
20 dock in what should be two or three feet of  
21 water with their life jackets on, because the

1           wake is so dangerous and we as adults can't  
2           protect them from maybe going into the dock.  
3           So we're truly asking the committee to please  
4           consider the safety of everyone who uses the  
5           river. We see the same things, jet skis  
6           raising around the corner. I wouldn't let my  
7           grandchildren go out in kayaks during these  
8           times of day because it's not safe. So I will  
9           stop there and thank you for this.

10           AMY CRAIG: Thank you. Anybody else for  
11           petition.

12           SAMANTHA CUNNINGHAM: Just to piggyback  
13           off her comment real quick. We had a boat sink  
14           at the marina.

15           AMY CRAIG: Thank you. Sir, you can go.  
16           Please state your name too.

17           CALVERT SCHERZER: My name is Calvert  
18           Scherzer. I live on the side of the south side  
19           of the South River between Edgewater community  
20           beach and the bridge. I'm one of those  
21           natural -- there are three houses there that

1 have natural beaches and they always have.  
2 I've been there for 50 years. And I have some  
3 pictures, I didn't bring ten copies. But it's  
4 just showing where my beach was when we got the  
5 property and years afterwards. And now the  
6 boats are getting higher or bigger, and the --  
7 with that angled buoy in that river, everybody  
8 is rushing across and coming -- hugging the  
9 south shore. And it's beating the heck out of  
10 my beach. I've lost at least 10 feet of land,  
11 I have no beach left, and I have a two or  
12 3-foot cliff. That's really destroyed the full  
13 front of my house. So -- all I can do is  
14 submit these pictures and I have a little  
15 statement here. I didn't make ten copies.

16 MIKE GRANT: They have all your pictures,  
17 sir. I gave them all your pictures.

18 AMY CRAIG: Mr. Grant shared the pictures  
19 with us in our report.

20 MIKE GRANT: The ones you sent me, they  
21 have copies of.



1           AMY CRAIG: Thank you. Anyone else for  
2 the petition. Yes, ma'am.

3           JANET DELANEY: I'm Janet Delaney. I live  
4 in Edgewater Beach and I also happen to be a  
5 member of the Annapolis Rowing Club. I'm up  
6 Gingerville Creek, which on the north side of  
7 the Route 2 bridge. I kind of considered  
8 myself a bit neutral with this initiative.  
9 I'll all for safety, because we're out on that  
10 water and those boats are huge. And you can  
11 see the bottleneck. And if you're in a rowing  
12 shell that's got a pretty low profile and  
13 you're coming around that corner and there's a  
14 huge boat coming, even if they slow down,  
15 you're still getting wake. And they don't  
16 always slow down, which is kind of a different  
17 issue. But the only thing with rowing club,  
18 which is where I'm torn, we go over six knots.  
19 So even with a rowing shell, as well as the  
20 launch, we typically have a safety lunch that  
21 we got to this time of the year when the

1 weather gets colder. We need that launch. So  
2 if you are going to proceed with the  
3 restriction, if there could be an exception for  
4 the rowing club. Thank you.

5 AMY CRAIG: Thank you. Anyone else  
6 speaking for the petition. Please state your  
7 name and new information.

8 ROBERT MAUCK: My name is Robert Mauck and  
9 I own one half of Boyd Point. And the safety  
10 issues that have been spoken to here are just  
11 immense. And I happen to have a boat on a lift  
12 and on Saturday's and Sunday's I don't go out  
13 because of the wake that the gentleman in  
14 Edgewater Beach showed in his slides. And it  
15 would be good if we could just have the whole  
16 six-mile an hour between the two bridges.  
17 Thank you.

18 AMY CRAIG: Thank you, sir. Anyone else  
19 for the petition. Okay. Speaking against the  
20 petition. Linda Gordon.

21 LINDA GORDON: My name is Linda Gordon

1 and --

2 AMY CRAIG: Please use the microphone.

3 LINDA GORDON: My name is Linda Gordon and  
4 I live in Edgewater Beach. The first thing I  
5 have a problem with is that at the top of this  
6 page right here it says "both communities  
7 requesting six knots all times between existing  
8 speed zones." We had a person come to ask to  
9 sign a paper that said we want to push buoy 17  
10 out. That's what we signed. Nobody knew that  
11 Edgewater Beach Corporation was going to go  
12 six miles -- six knots between Riva and  
13 Route 2. That was a big surprise. The reason  
14 I'm here is because I saw it in the newspaper.  
15 Three inches in the middle of the legals.  
16 Nobody saw it. In the middle of the legals.  
17 Because nobody told us what the real reason  
18 was, we decided to take pictures of this legal  
19 and disperse it everywhere so everybody would  
20 know what they were trying to do. My husband's  
21 family lived on the South River for 90 years.

1 Yes, we had bulkheads, but I've also seen  
2 bulkheads down the way disintegrate where we  
3 have to pull in the wood. And we've pulled in  
4 wood forever. And it was the CEO of Edgewater  
5 Beach Club whose pier was disintegrating. He's  
6 since been relieved. Buddy now is our new CEO.  
7 We sit out and watch the grandmas and grandpas  
8 pull their kids on the tubes and we see the  
9 kids learn to waterski out in front of our  
10 house. And, yeah, there is a little bit of  
11 wake, but it's no big deal. People think, Oh,  
12 this and that. No. No, it's not. And a lot  
13 of these people don't have a bulkhead because  
14 they let it go into disrepair or they say I  
15 can't afford to buy one or get one. Or the EPA  
16 won't put a bulkhead in. I don't know what  
17 their reasons are, but number one, we were  
18 misled. We were told that we were only going  
19 to push buoy 17 out toward the middle of the  
20 river to protect that point of Edgewater. And  
21 then all of a sudden everybody comes here and

1           says, oh, no, we want to make it six knots. We  
2           have been trying to tell everybody, because  
3           they didn't want you to know. Did you, Buddy.  
4           Nobody wanted to tell the rest of the community  
5           that they were going to make it six knots. Oh,  
6           we're just going to push number 17 out a little  
7           bit.

8           AMY CRAIG: Can you keep your comments to  
9           the six knot proposal.

10          LINDA GORDON: I'm done.

11          AMY CRAIG: Thank you. Speaking against  
12          the regulation. Anyone else would like to  
13          speak.

14          FREDERICK JONES: My name is Fred Jones.  
15          I actually live in Southdown Shores, which is  
16          on Beards Creek that's next to that 6-mile an  
17          hour zone. As you saw we have restrictions on  
18          the weekends. But I would really like to point  
19          out, past Mike's Crabhouse, I keep hearing this  
20          is the narrowest part of the river. You have  
21          Broad Creek right past the six-mile an hour

1 zone right after the Riva bridge off to the  
2 right there. That is very narrow. They don't  
3 have a six-mile an hour restriction at all, or  
4 does anywhere else down into the back of the  
5 river. There is a larger marina back there.  
6 There is all kinds of community piers. And  
7 they are actually impacted more because these  
8 are where the skiers are going, looping around  
9 nonstop. They are being impacted way more than  
10 this. They're not here to talk about erosion,  
11 the studies show that there is no significant  
12 erosion from the waves. Some areas might even  
13 been gaining land. The problem is they should  
14 get a natural shoreline. Our community did  
15 that. We applied for a grant. We have a  
16 natural shoreline. I have skiers that go all  
17 up and down our river. I have a 33 foot Tierra  
18 and a 17-foot Mako. I have my community there.  
19 During the weekdays, that's the creek that  
20 people love to go skiing. There's a few  
21 different community hearings, bigger community

1           hearings than the one we're talking about today  
2           and proposed zone. You know what, there is an  
3           inherent risk when you buy a property on the  
4           water or tie your boat up to a pier. Trailer  
5           it, go to a boatel, do it somewhere else. They  
6           actually have the means where they could  
7           actually put in on a boat lift if they want to,  
8           and a lot of piers already have boat lifts. So  
9           to sit here, you have an inherit problem, tie  
10          your boat up properly and you're not going to  
11          have an issue about it. I know that's what I  
12          have to do and I take care of my boat and I  
13          look out after that. They talk about the jet  
14          skiers. I agree, the jet skiers are a problem,  
15          and, yes, there are ones that are getting  
16          rented as they are alluding to. We shouldn't  
17          be sitting here trying to punish responsible  
18          boaters because there is a company that started  
19          renting jet skis right up the river and these  
20          people don't know how to drive the jet skis.  
21          You know, that's not my fault. I wish they

1 weren't doing it either. We can't help what  
2 some people go out and there and not know what  
3 they are doing. That's going to happen. What  
4 do you expect from us. They are talking about  
5 the waves there. I actually have my commercial  
6 crabbing license, so I go out on weekends.  
7 There are people that crab right outside this  
8 point all weekend. And when I come back in  
9 during the middle of the day there are still  
10 boating back and forth, there's still people  
11 crabbing there in small little 13 foot  
12 Trackers. If it's such a big problem, I don't  
13 think people would be sitting there trot lining  
14 if it was that big of an issue. Police and the  
15 six-mile an hour. The police are always right  
16 there. They say the police aren't here, they  
17 are out responding to calls. They are always  
18 right there at the six-mile an hour zone. How  
19 have people gotten stopped there. The jet  
20 skiers getting stopped by the police right  
21 there because the police are there. They see



1           what's going on. There is no actual inherent  
2           health risk to the public. To the best of my  
3           knowledge there hasn't been any accidents, or I  
4           haven't heard him state any significant  
5           accidents. So where is the safety hazard.  
6           These jet skiers that don't know what they are  
7           doing, so maybe we should look into shutting  
8           down that jet ski company. And another thing  
9           is they are talking about safety. Right here  
10          in this area we're talking about, there is a  
11          channel marker that doesn't even have a light  
12          on it. So I think they would probably notice  
13          that from their piers. We have a channel  
14          marker right out in the middle there. I know  
15          it's there, but I have a hard time seeing it  
16          because there is no light on it. It's not the  
17          only one on the river. But if we want to sit  
18          here and talk about people's safety and  
19          well-being, maybe we need to look at the actual  
20          things on the river that could affect people's  
21          safety. I know to look for this marker and I

1           have a hard time seeing it. I can't imagine  
2           being someone not even knowing where to look  
3           and, you know, they could easily fix it. There  
4           needs to be lights on the markers. Same thing  
5           with the six-mile an hour buoys they want to  
6           pull all the way up and down the river. The  
7           way LEDs are these days, and they have the  
8           solar panel, with a little light on these  
9           six-mile an hour buoys, I know where they all  
10          are and I can't see those things either. I  
11          mean it's ridiculous.

12                 AMY CRAIG: Any further information.

13                 FREDERICK JONES: You're going to try to  
14          hinder the better public, the better boating  
15          public, for the beneficial use of a few private  
16          homeowners. And I understand, but my point is  
17          people buy property next to an airport and then  
18          they want to complain about the noise. Let's  
19          just move the airport. Or why don't we just  
20          make it six-mile an hour all the way to the bay  
21          because people are going to be affected

1           regardless with the wakes.

2           AMY CRAIG: Thank you, sir. We get your  
3 point.

4           FREDERICK JONES: You let him go on for 20  
5 minutes. I would think I can get at least  
6 five. It's absurd if you ask me. I don't see  
7 how it's any beneficial use. And there are  
8 other things that can be done on the river to  
9 protect the better public, better safety, than  
10 moving six-mile an hour buoys a little bit here  
11 and there.

12          AMY CRAIG: Thank you.

13          FREDERICK JONES: And I would add they  
14 should like into a natural shoreline. And  
15 maybe the state should be brought in to look at  
16 the erosion problems and see if natural  
17 shorelines need to be installed on the  
18 properties. They don't want to do that because  
19 then, you know, it inhibits their view and  
20 things of that nature. They would rather send  
21 it to the rest of anybody else so they don't

1 have to do anything about it.

2 AMY CRAIG: Thank you, sir. Someone else.  
3 Please state your name.

4 JAMES LEVIN: My name is James Levin. And  
5 I live in Edgewater Beach but not the Edgewater  
6 Beach that everybody has been talking about  
7 today. There are two separate legal entities,  
8 two separate communities called Edgewater  
9 Beach. One is the Edgewater Beach Sunny  
10 section. Those are the petitioners and the  
11 people that want this. And I live in the Shady  
12 section, which is just north on the same side  
13 of the river. I'm not here on behalf of my  
14 community, I'm here on my own behalf today, as  
15 are some of my neighbors. I'm a former  
16 president of the association. I can give you a  
17 little information if you need it. Our  
18 community runs from the north side of Spring  
19 Lake up around Beards Creek. We're on the  
20 widest partner of the river. Nobody in our  
21 association has taken any official action to

1 support this. Everybody that was here today is  
2 against this. We -- we don't see -- I don't  
3 see anything unique about this section of the  
4 river between these two bridges that makes it  
5 fragile, environmentally or otherwise, that  
6 would caused need for a speed zone. In fact  
7 this is the widest part of the river where  
8 people love to waterski and enjoy all sorts of  
9 recreational sports. I look out my living room  
10 window and watch people waterski every day of  
11 the week during the summertime. I didn't have  
12 any prepared remarks when I came this morning  
13 but I was surprised to find no distinction made  
14 between these two communities. The other  
15 community, they are in a narrower section of  
16 the river. If they want to petition on their  
17 own behalf, fine, but they shouldn't drag us  
18 into this without our knowledge or consent. I  
19 also would like to point out that in the DNR's  
20 handout, it's dated October 24th, that was  
21 distributed today, it appears to me, just upon

1 casual reading, that DNR has found the erosion  
2 was caused by natural causes not by boats. I  
3 don't have anything else to add other than  
4 that, but if you have any questions, I would  
5 love to try to answer them.

6 AMY CRAIG: Thank you. Thank you for your  
7 comments. Against the petition.

8 LINDA GRAY: Hello. My name is Linda  
9 Gray. I am a waterfront property owner also in  
10 the Edgewater Beach Shady section. I also  
11 represent my own views but I do not believe  
12 anyone in my community is in support of this.  
13 I did send out notice to everyone yesterday  
14 telling them about this hearing and that nobody  
15 has come here to speak in favor of it. It  
16 seems like every three years or so a property  
17 owner, or in this case some communities,  
18 petition to restrict speeds on the South River  
19 or on some of the tributary creeks. Living on  
20 the water comes with many pluses but also some  
21 minuses. And certainly the minuses have to do

1 with installing shoreline protection. Whether  
2 it's bulkhead or living shoreline, it is  
3 expensive and I can speak on behalf of that.  
4 In addition, after we purchased a ski boat, we  
5 had to put it on a boat lift to protect it. I  
6 feel these are some of the costs associated  
7 with the privilege of living on the water. I  
8 don't deny that there are days when a big power  
9 boat comes by and rocks my sailboat pretty  
10 hard. But I realize that the South River and  
11 its tributary creeks are for the enjoyment of  
12 all people, not just property owners like  
13 myself. I have enjoyed pulling kids on  
14 waterskis -- on tubes, excuse me, not  
15 waterskis, and teaching my grand kids to  
16 waterski. And I realize that a restriction of  
17 this kind will be a big minus for me and for  
18 them. And for the folks up the South River,  
19 they also will find this a big minus. One  
20 thing I learned in the 30 years that my husband  
21 and I have lived here is that the river and the

1           creeks are for the enjoyment of all. Boaters  
2           who have passed by my dock have every right to  
3           enjoy the water as much as I do. So I feel  
4           very strongly that this committee understand  
5           that rewarding a few people to the extent of  
6           many more communities on the river is wrong.  
7           The rivers and creeks are why so many of us  
8           chose to live here, and I ask the committee to  
9           deny this request. Thank you.

10           AMY CRAIG: Thank you. Sir.

11           WILLIAM KUTUN: My name is William Kutun  
12           and I've been waterskiing in front of Edgewater  
13           Beach for 40 years. I ski on a pretty regular  
14           basis. My comment is that restricting between  
15           the bridges would severely -- would severely  
16           stop the waterskiing and it would force the  
17           waterskiers to move up river, which would cause  
18           a tremendous amount of traffic. The area that  
19           I skied in, I owned a house at 2948 Edgewater  
20           Drive in the Shady section. I lived there for  
21           five years. And we skied in a correct



1 direction and we also skied back around into  
2 Beards Creek. We actually had a ski course on  
3 the back of Beards Creek at that time. And  
4 along with another gentleman that couldn't make  
5 it here, Charlie Fikicher, he lives in the  
6 Shady side. He's also a waterskier and a  
7 member of the South River Ski Club, which I was  
8 in 1978. Restricting that point between the  
9 Route Two bridge and the Riva bridge would  
10 severely be detrimental to waterskiers and  
11 that's something that I would not accept. And  
12 all the other things that were spoken about,  
13 jet skis or Skidoos, that is what it is.  
14 You're not going to be able to change how jet  
15 ski and Seadoo operators operate. And it's  
16 sort of a thrill ride. The only way to stop  
17 that would be to stop the rentals, and that's  
18 another problem. So, again, I speak on behalf  
19 of all waterskiers, and the South River is one  
20 of the best rivers in all of the area for  
21 waterskiing and this would be a severe

1 detriment to waterskiers. Thank you.

2 AMY CRAIG: Thank you, sir. Anybody else  
3 speaking against the regulation.

4 STEVE LEVY: My name is Steve Levy. I  
5 lived in the Edgewater Beach Shady section,  
6 which does not -- has not subscribed to the  
7 position of the other Edgewater Beach. I think  
8 that distinction is very important. I also  
9 want to thank you all for having this hearing.  
10 It is -- I have lived in Maryland all my life  
11 and I've been coming to this part of the Bay  
12 since 1964. And just for historical reference  
13 and not related to the issue, back in 1964  
14 there were a lot of private beach clubs that  
15 were not open to people. It was kind of a dark  
16 time. And my dad's one political statement, he  
17 said, we're not going to go to those clubs,  
18 we're going to go to Sandy Point where  
19 everybody goes. And I'm proud of his sentiment  
20 on that. Now, to the issue at hand, I've  
21 listened to the logic of the proponents and it

1 strikes me that that logic could apply to make  
2 the entire length of the South River a no wake  
3 zone. Because you have in the South River  
4 these widening areas such as Glebe Bay, then  
5 you go down stream and it narrows again, you  
6 have houses with docks, you have houses with  
7 boats docked. The wake action has its effect.  
8 And so on. A problem I have standing here as  
9 not in support is I hope I'm not therefore  
10 categorized as being against young kids and  
11 puppies. I would not have any child swim in  
12 that section of the South River. It's deep.  
13 It's dangerous. Even with the existing  
14 conditions, just the natural conditions without  
15 regard to wake. It's just -- it's not a  
16 swimming area. Next point. I feel that one  
17 issue is just transient, okay. People who are  
18 going from up above, upstream of Mike's, they  
19 are wanting to go out to the open bay. So this  
20 would be one more source of delay. And the  
21 cynical part of me suggests that it might also

1 be a bit of a money maker to DNR. Even with my  
2 sailboat, the other day I caught myself with a  
3 clean bottom going six and three-quarters  
4 knots. So I would be speeding. I don't think  
5 I would be disrupting people. As far as the  
6 wake activity, yes, it's part of life. I had a  
7 guy up on top of my mask the other day. I  
8 said, it's a good thing you're here because we  
9 have a speed restriction in effect on Beards  
10 Creek. He said, ah, we get bounced around all  
11 the time everywhere we go. And it's kind of a  
12 fact of life. I just feel that moderation is a  
13 good sentiment. I think that I would certainly  
14 urge please don't go down to six knots. There  
15 is an alternative route proposal. Some speed  
16 limit. Bear in mind that it's not the posted  
17 speed limit that really matters, because there  
18 are boating safety rules and rules of the road.  
19 You come upon a sailboat, you're a power boat,  
20 you throttle back. I throttled back my  
21 sailboat going at six and three-quarter knots

1 when I saw the rowing shells of the high  
2 schoolers going down that section. You can't  
3 legislate -- you can't guarantee safety, you  
4 can't guarantee a result with a regulation.  
5 You can inhibit in some ways but it doesn't  
6 necessarily solve the problem. Okay. Well,  
7 I'm sorry, I hope I haven't taken too long and  
8 I hope you didn't mind my little digression  
9 about the history of 1964. If I can give you a  
10 footnote on that. One of the tricks that Mayo  
11 Beach Club upholds. There was a public  
12 accommodations law in '64 which was passed and  
13 what they did was they constituted themselves  
14 as a private club so that you had to buy a  
15 membership to use Mayo Beach, and of course  
16 there were only certain kinds of people that  
17 could buy that wonderful membership and play  
18 the penny slot machines that were a big  
19 attraction. If you'll forgive my indulgence of  
20 an old guy. But we live in better times and  
21 let's be grateful for that. Thank you.

1           AMY CRAIG: Thank you, sir. Anyone else  
2 speaking in opposition to the proposed  
3 regulation.

4           JIM WILSON: I don't live in the area,  
5 I've skied a few times in the South River. I'm  
6 Jim Wilson, I'm sorry. I live on the Magothy  
7 River actually. But the problem is that every  
8 time we have a six knot restriction, it pushes  
9 waterskiers into a narrower area and more  
10 congested. And I'm just opposed to this  
11 because I don't like to see areas restricted so  
12 that everyone has to be more congested in other  
13 areas. That was my comment.

14           AMY CRAIG: Thank you. Sir. No comments.

15           ROBERT GORDON: My name is Bob Gordon. I  
16 live in Edgewater Beach. I live on the South  
17 River and I'm the one that can watch and see  
18 everybody waterski up in that area and enjoy  
19 the river. The Edgewater Beach petition was  
20 done, we have a little internal problem.  
21 Everybody that signed that petition does not

1 necessarily want to shut the river down from  
2 the South River bridge to the Riva bridge. It  
3 was proposed in a little different scenario and  
4 got morphed into something else. There is  
5 absolutely no safety reason, the man says.  
6 Erosion occurs. If you have property at sea  
7 level, you're going to have erosion. You're  
8 going to have water problems, you're going to  
9 have wake, you're going to have storm damage.  
10 Shutting down the speed limit on the river  
11 doesn't affect any of that. It's all mostly  
12 the environmental reasons. And there is  
13 absolutely no justification to do it. You  
14 can't deny the world the use of the river  
15 because some people have some erosion problems  
16 on their land. That's all.

17 AMY CRAIG: Thank you, sir. Committee,  
18 would we like to break for lunch or continue  
19 on? Anybody else have any comments. Okay. If  
20 there is no one --

21 CHRIS PARLIN: Wrap this up and we'll do

1           it.

2           AMY CRAIG: Is there any other public  
3 comment we would like to hear. Okay. Thank  
4 you. Committee, I think we'll break for lunch  
5 then and then we'll resume discussions after.  
6 After lunch, we'll come back in executive  
7 session to discuss the matters. You can stay  
8 and watch but no further comment will be taken  
9 from the public.

10           (Lunch break taken.)

11           AMY CRAIG: Can we have the committee back  
12 in their seats so we can move on to discussion.  
13 In regard to the 2018 regulation requests. We  
14 will start with the Patuxent River discussion.  
15 Mr. Dwyer, please use the microphone.

16           RUSS DWYER: I would like to make a motion  
17 that we decline the speed limit.

18           AMY CRAIG: There has been a motion to  
19 decline the regulation request for a six knot  
20 speed limit. Discussion.

21           COLES MARSH: Second.



1           AMY CRAIG: Coles second. Mr. Lunsford.

2           BOB LUNSFORD: I would like to offer an  
3 amendment to Mr. Dwyer's proposal that we take  
4 no action at this time, which is consistent,  
5 but I would also like to leave the door open  
6 such that once the project is installed there's  
7 compelling reason we should come back and  
8 review it that we don't apply the three year  
9 wait period, in case there is something that  
10 happens that we don't see at this point. Where  
11 that would be a reason. Mr. Dwyer, is that  
12 acceptable?

13           RUSS DWYER: Not really, but I'll go along  
14 with it.

15           AMY CRAIG: The current motion is no  
16 action at this time but no limit on having them  
17 come back before the committee to review the  
18 possibility. Is there a second.

19           COLES MARSH: Second.

20           AMY CRAIG: Coles again. All in over?  
21 Discussion. Discussion. Mr. Scheller.

1           JOHN SCHELLER: From my perspective I  
2 would not -- I'm not adverse to the project  
3 whatsoever. It's their money. I question --  
4 my whole concern was -- are you solving any  
5 problems with this. And the other thing is is  
6 there an engineering way to solve everybody's  
7 problem on this property. And has -- so that  
8 was my perspective. I think it's a great thing  
9 to save shorelines, I just wonder if this was  
10 appropriate use of the funds.

11           AMY CRAIG: Mr. Dwyer.

12           RUSS DWYER: I would say we can't stop it,  
13 the project is going to go no matter what. All  
14 we've got is a six-mile limit.

15           AMY CRAIG: Mr. Kling.

16           STEVE KLING: I think the discussion is on  
17 the amendment. And I would just propose -- I  
18 understand where Bob is coming from, but I  
19 don't think -- they are not going to know  
20 anything in three years. It's going to take  
21 them a while to build it and then watch it for

1 a while. It doesn't offend me, but I don't  
2 think it's necessary.

3 AMY CRAIG: All right. So the current  
4 amended motion --

5 RUSS DWYER: I would like to change to the  
6 original and leave the three years. Just like  
7 you said, that you're not going to know  
8 anything more in three years. And I would like  
9 to see what happens up there with the wakes and  
10 that shoreline.

11 AMY CRAIG: Any further discussion.  
12 Second.

13 COLES MARSH: I second.

14 AMY CRAIG: We're back to the original.

15 MIKE GRANT: Please restate what it is.

16 RUSS DWYER: For the third and final time,  
17 I would like to disapprove the six-mile  
18 regulation for that part of the river. Is that  
19 clear enough.

20 COLES MARSH: And I second.

21 MIKE GRANT: Yes.

1           AMY CRAIG:  And Mr. Lunsford, your  
2           amendment is withdrawn.

3           BOB LUNSFORD:  Withdrawn.

4           AMY CRAIG:  Any further discussion.

5           COLES MARSH:  I seconded it.

6           AMY CRAIG:  Call the question.  All those  
7           in favor of no action on the Patuxent River in  
8           regard to a regulation for six knots, all in  
9           favor.  Opposed.  Motion passes.  Moving on to  
10          the South River.  The proposal is for six knots  
11          all times.

12          MIKE GRANT:  Between existing speed zones.

13          AMY CRAIG:  Between the existing speed  
14          zones of the Riva bridge and the Route Two  
15          bridge.  Is there a motion.

16          RUSS DWYER:  I would like to make a motion  
17          that we do nothing.

18          AMY CRAIG:  Is there a second.

19          JON PEPE:  I'll second.

20          AMY CRAIG:  Discussion, please.

21          BOB LUNSFORD:  There seems to be -- there

1            seem to be two salient points here. One is the  
2            NRP reports very few complaints. What was it,  
3            44 in 22 months. And the other one was the  
4            State put out our own shoreline control folks  
5            that say boat wakes aren't a major contributor  
6            to boat wakes. So the arguments in favor of  
7            the petition seem to me to be both based on  
8            that information.

9            AMY CRAIG: Thank you, Mr. Lunsford.  
10           Mr. Pepe.

11           JON PEPE: Yes, I would like to make a  
12           point of discussion with the committee to  
13           possibly have our people talk to this livery  
14           operator as far as rules and regulations and  
15           enforcement. It sounds like an enforcement  
16           issue with these jet skis, which seem to be a  
17           big problem with this group.

18           AMY CRAIG: Mr. Dwyer.

19           RUSS DWYER: I just like to say one more  
20           thing to the guests that are here listening to  
21           us. We're not rushing through this thing. We

1 have been through these same scenarios so many  
2 times. I've been a member of the club --  
3 member of the club? Member of this committee  
4 since 1980's. And that didn't need to be put  
5 on there.

6 AMY CRAIG: Mr. Parlin.

7 CHRIS PARLIN: We have deliberated this  
8 area before. And, again, part of what Russ  
9 said, some of the things that we keep seeing  
10 over and over again is if you close down this  
11 area, you push the boaters to another area.  
12 They are going to be back, they are going to  
13 want to shut down another area. And  
14 essentially we will have the whole South River  
15 shut down. It's a fairly wide body of water  
16 there and folks there are responsible to tie  
17 their boats up properly, put them on lifts, get  
18 them secured properly at the right size slips,  
19 the right set-up. It's a very large area to  
20 shut down. I don't see that being a productive  
21 thing. I know it's going to come back again.

1 It is a congested area. But it's just an  
2 unfortunate makeup of that area and the amount  
3 of boats that are there. Again, get talking to  
4 the livery operator, make sure their folks are  
5 abiding by the proper distances traveling from  
6 shoreline so it's not a safety issue. Again,  
7 we don't know that that was even the livery  
8 operator. There was a picture of a personal  
9 watercraft traveling close to the shore, which  
10 goes back to an enforcement problem. Not a  
11 speed problem, but more an enforcement problem  
12 of maintaining proper distance from fixed  
13 objects, shorelines, things like that. For  
14 that I don't agree with shutting that area  
15 down.

16 AMY CRAIG: Any other comments.

17 Mr. Scheller.

18 JOHN SCHELLER: I noted a couple of  
19 talking points or considerations with this  
20 whole issue. One being safety and one being  
21 property owners rights and responsibilities. I

1 think we discussed erosion -- I think we wore  
2 out the erosion problem. And then there is the  
3 conflict between the type of boating and water  
4 activities here such as kayakers have one type  
5 of boating that they want to do, paddle boats,  
6 rowing clubs. Power boaters and potentially --  
7 just different examples of these water use  
8 issues that seem to come in conflict frequently  
9 when we try to negotiate control of the various  
10 waters in Maryland. So my point being that it  
11 might be kind of hard in each geographic  
12 situation to allow all of these activities to  
13 happen simultaneously. And having been a --  
14 having been on a crew team and having kayaks,  
15 and having other watercraft, I don't try to do  
16 all those things in the same place. And also  
17 being a waterfront property owner, I feel that  
18 I have certain rights to enjoy the waterfront  
19 but I do not expect that I don't also have  
20 responsibilities such as to properly and safely  
21 maintain my property. So those are just



1 discussion points that I had.

2 AMY CRAIG: Thank you, sir. Currently the  
3 motion is that there is no action to be taken  
4 on the South River. We have a second. Is  
5 there any further discussion. Hearing none.  
6 Let's call the question. All those in favor.  
7 Opposed. Motion passes. Mike, I think we're  
8 up with you next on the Manadere controlled ski  
9 course update.

10 THE COURT: There is no update.

11 AMY CRAIG: Well done.

12 (Two hearings concluded at 1:15 p.m.)

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STATE OF MARYLAND

I, David Corbin, a Notary Public in and for the State of Maryland, 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 and Notarial Seal this 5th day of November, 2018, at Centerville, Maryland.



\_\_\_\_\_  
David C. Corbin  
Notary Public

My commission expires November 19, 2019

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