

Testimony of David Cox, Mere Point, Brunswick  
Appointed Member of the IFW/MR Consensus-Based Rulemaking Committee  
Against LD 114

Support LD 89 Joint Standing Committees on Inland Fisheries and Wildlife and Marine Resources

April 12, 2021

Senator Dill, Senator Miramant, Representative Landry, and Representative McCreight, and Members of the Inland Fisheries and Wildlife Committee and the Marine Resources Committee,

My name is David Cox. I was asked to represent the Brunswick residents' perspective of the recent IFW/DMR sponsored consensus working group effort to find a workable solution to the ongoing airboat noise problem in Freeport, Brunswick and Harpswell. After much discussion, an informative airboat demonstration day, stellar leadership by IFW Deputy Commissioner Tim Peabody, and mostly constructive debate among key stakeholders, we could only reach directional consensus: the need to implement workable airboat decibel (db) level limits, with practical measurement mechanisms, to provide relief to impacted residents (an estimated 3K people across the three towns).

Although we made significant progress aligning on optimal measurement schemes and going forward collaboration needs (water access, etc), we sadly could not agree to specific db level limits. The bottom line for residents is that we urgently need, and have a basic right, to be able to sleep in the early morning hours (before 7AM) and enjoy reasonable peace during the daytime. The db limits proposed by the airboat operators, as articulated in LD 114, do not meet well established and applicable limits, that already exist in municipalities across Maine. Conversely, the db level limits defined in LD 89, although not optimal from the residents' perspective, comprise a reasonable starting point, as we embark together on finding a longer term solution where all stakeholders succeed. Think of this db difference as Honda motorcycle noise vs that of a Harley...worlds apart!

When the tide is low at 4AM, we are jolted awake by what sounds like a very loud Harley just outside our (closed!) window, vigorously revving its engine. It goes on for at least five minutes then cuts off...immediately taking us back to the near silence of the early morning. Then 5 minutes later it repeats; either another airboat is arriving, or the prior airboat is moving positions. A few minutes go by and the peace returns. Five minutes later it repeats, and so on. This continues for 2 hours while up to 6 – 8 airboats work the mudflats in our neighborhood. Madness! Imagine if this was happening to you. Lose two to three hours of sleep; suffer stress and frankly rage; wonder how and when this will ever end; feel intense frustration for how our loss of sleep and compromised mental state will impact that day and our performance in our own jobs. During daytime low tide, the coming, repositioning and going of airboats is akin to nearby chainsaw noise. Our animals cower, the birds flee, and we are mentally and physically interrupted from whatever we are doing. If we are on a call, we are asked, "What in the hell is

that noise?" If we have visitors, they are first startled and then in shock at this insanely loud noise, and usually say, "How can this be legal?"

Although LD 89 does not solve the airboat noise problem, it establishes a rational starting point. 80 db limits daytime/65 db nighttime is about half as loud as LD 114's proposed 90/75 db limits. The IFW/DMR sponsored demonstration testing confirmed results were mostly within the LD 89 proposed limits, and corresponding, applicable, existing noise ordinances for non-airboat working waterfront seacraft, as well as those re residential neighborhoods, align much more closely to what L 89 is proposing. Are we confident LD 89 proposed decibel limits will equate with a return to restful sleep? No. But we have to establish a commonsense starting point.

We also need to include an environmental impact study within the scope of duties for the going forward working group, which is inexplicably missing from LD 114, and we need Deputy Commissioner Tim Peabody to continue to lead our working group effort! I am a huge fan of the working waterfront in general and am committed to continuing to work with the harvesters and other key stakeholders to find the optimal solution, which will take more time and collaboration to make happen.