

Robert Santomena  
Freeport

To the Chairman and Members of the Joint Committees of Inland Fisheries and  
Wildlife and Marine Resources

Thank you for the opportunity to provide my testimony regarding LD 114 and LD 89. I am not in favor of LD 114 and I am in Favor of LD 89.

My name is Robert Santomena and I live in Freeport about 700 feet from the Harraseeket River, Freeport's Harbor.

I am very involved with the children's sailing program which is conducted every summer (even last summer on a reduced scale) in the harbor. These are kids from 8 to 16, in boats from 8 feet to 12 feet and there can be as many as thirty kids in little boats in the harbor at a time. I first became concerned about airboats running in the harbor two years ago when I asked the sailing director if airboats were a problem. She responded (see attached) that airboats are a safety concern because the noise interferes with the ability of the instructors and the kids in the boats to communicate. It takes five minutes for the airboat to get passed and the sailors "need to be able to hear our instructors at all times in case of emergency." That was when there was only one airboat operating in the harbor. Since July last year, there have been two.

Since that time, I have been involved in the effort to do something about airboat noise, not just because of children in boats in the harbor, but because I have learned from personal experience of the devastating effect airboat noise has upon the lives of coastal residents.

I have watched closely and participated in the effort by IFW to find a regulatory solution to the problem. IFW and DMR were saddled with the problem caused by the enactment of PL 662 last January. Up until that time, airboats like all other watercraft (including commercial craft) were governed by a noise limit of 75 decibels. Since that enactment, airboats have been excluded from the operation of that limit – there has been absolutely no noise limit on airboat noise.

IFW has ably led those concerned on both sides through a long and arduous regulatory process and I strongly recommend for your edification the report recently submitted by IFW and DMR to your two committees. It is a reasonably fair and comprehensive reporting of the efforts of the agencies and stakeholder groups to come up with a regulatory solution. Although in the end there was no resolution, and we are here seeking the guidance of the legislature, the effort did demonstrate that this is an issue of great concern to very many coastal residents, and to harvesters, and we now know how difficult it is to resolve – but it cannot be allowed to drift.

Although I have registered as opposed to the passage of LD 114, there is a lot in the bill that I favor. It goes to my concern about "drift". LD 114 and LD 89 both provide for a trial period of learning, data gathering and testing which hopefully will bring us to a point of sufficient understanding of airboats as part of the working waterfront, and their dramatic impact on the lives and wellbeing of coastal residents. I hope that a permanent solution will emerge.

The reason I oppose LD 114 and favor LD 89 is the difference in decibel limits- 90 dBs daytime operation and 75 early morning and evening is the LD 114 proposal, versus 80 dB daytime and 65 dBs from 7 PM to 7 AM is the LD 89 proposal. It doesn't sound like a big difference, but it is! It's huge! Decibels is a measure of sound level on a logarithmic scale - the sound level of 90 dBs is twice as intense as 80 dBs. The 90 dB level proposed by LD 114 for daytime operation is the equivalent of a passing bus or truck at ten feet, but 80 dBs is the equivalent of a passing car at ten feet, all according to Technical Assistance Bulletin #4, May 2000 by Maine State Planning Office and Maine Department of Environmental Protection ("TAB #4").

The wardens service organized and conducted an airboat demonstration on the Harraseeket River in early February, for which I and my neighbors are immensely grateful. A brief discussion of the demo appears at page five of the IFW/DMR report and map data of the runs by the three participating air boats are attached as Appendix B. The boats ran the length of the Harraseeket River to the mud flats and return. Sound measurements were taken by the wardens at three points along the river. The loudest boat, at the closest point to shore, registered 84 dBs. At the same point, the loudest measurement for the other two boats were 71 and 74.7 dBs. The loudest reading of all boats at all points was 84 dB and two of the boats registered less than 80 at all points.

The IFW/DMR report suggests that the demo was run under ideal conditions by unloaded boats. Actually, conditions were subnormal for the Harraseeket River with winds at about 20 knots from the northwest, with a chop. Also, one of the boats was loaded to simulate a full catch of shellfish. These results of the demonstration do not support a daytime limit of 90 dBs, and fully supports the 80 dB limit proposed by LD 89.

The 75 dB limit proposed by LD 114 for early morning and late evening operation far exceeds noise limits imposed by most municipal ordinances for construction noise between 7 PM and 7 AM (and see TAB #4). Further, the warden service conducted noise level readings of two airboats at the Mere Point boat launch in Brunswick, described at page 10 of the IFW/DMR

report. The boats operated as normal to and from the ramp and registered peak readings of 73 and 74 db and except for those peaks ran constantly in the 60s. This experience proves that the 7 to 7 limits advocated by LD 89 are entirely within the reach of airboats operated with consideration for peaceful home occupancy, especially during those sensitive hours.

Airboats are unique noise makers. Unlike other watercraft, they use airplane type propellers for propulsion. The propeller is powered by an internal combustion engine, but as the boat gets up to speed, the noise of the propeller overtakes the engine and generates the whining roar that causes such disturbance. Airboats are in a class of their own.

The concern has been expressed that the effort to find a rational way to deal with such disturbance is leading the working waterfront down the slippery slope to more onerous regulations. That simply is not true. No doubt fishermen, lobstermen and shellfish harvesters already have a boatload of obstacles and hazards to deal with from blue whales to green crabs. But it is unfair, and just wrong, to generalize from complaints about extreme airboat noise to an assault on the working waterfront.

As mentioned, I live very near the Harraseeket River and have lived there for almost 30 years. The Harraseeket has been a working harbor for generations. Many lobster and fishing boats depart the harbor early every morning in season without disturbing the peace of residents along the shore.

For over thirty years, up until a few years ago, we had a place on the shore in Port Clyde which you may know is a big lobstering and fishing harbor. The lobster boats used to have unmuffled straight stacks running right off the exhaust of the engine. That was noisy, but that hasn't been the case since the coming of noise limits on all watercraft (except since PL 662 on airboats), so now the most you might hear from a lobster boat hauling traps is country music. I don't expect that will ever be true of airboats, but I do expect that some rational resolution can be found so that harvesters can continue to work the flats without waking their neighbors on the shore.

LD 89 gives harvesters something to reach for and coastal residents the comfort of knowing that help may be on the way,

Respectfully, Robert Santomena