

**SB 321 testimony AC.pdf**

Uploaded by: Craig, Amy

Position: UNF

## Statement of Amy Craig in Opposition to SB 321

Good Afternoon Chairman Pinsky and Members of the Committee.

**I ask this Committee to not recommend the approval of SB321.** This legislation would take away the voice of the public and focus on the will of a few that this very legislature wanted to prevent when enacting the Boat Act of 1960. By removing the sunset clause from the original bill (SB93), the public will no longer have a voice in the process of regulating the open waters of the Chesapeake Bay and one of Maryland's greatest natural resources.

This legislative body of Maryland set precedent to take politics, access of special interests, and contributions out of determining how our precious waterways will be enjoyed by Marylanders. You had the forethought and wisdom to create a body which will use facts and take all stakeholders interests into account in order to advise the Secretary of the Department of Natural Resources. I ask you to allow the Boat Act Advisory Committee and the Secretary to continue to work in the manner you legislated---to continue to work in the best interest of all Marylanders.

At this time of restricted activities and increasing anxiety, many people have turned to the waterways and boating as a safe family activity. Boating during COVID-19 is one of the safest — not to mention most enjoyable — activities you can do this summer, says Colleen Richardson, director of Discover Boating. "As annual traditions such as camping and sporting events have been canceled, more Americans are drawn to the water. It doesn't get more socially distant than boating with loved ones. Studies have shown it's a boon for mental health and well-being."

Maryland is home to nearly 200,000 registered boats and over 50,000 unregistered boats such as canoes, kayaks, and other small vessels. Boating is an important part of many Marylanders' lives.

As the pandemic made it difficult for us to participate in our typical forms of exercise like going to the gym, new powerboat sales were up 12% from 2019. That is a high not seen since the Great Recession of 2008. October was a particularly big month in 2020, with sales up 30% compared to the same month in 2019. Tied to this, first time boat ownership increased last year as well, which has not happened in more than a decade. According to President of National Marine Manufacturers Association Frank Hugelmeyer, those new boaters helped spur growth of versatile, smaller boats - less than 26ft - that are often towed to local waterways and provide a variety of boating experience, from fishing to watersports." Smaller boats like runabouts, jet boats and personal watercraft are more affordable at this time of economic uncertainty, **62% of boaters have an annual household income of \$100,000 or less and 95% of boats are under 26ft long that can be trailered to local launch sites according to NMMA.** These smaller boats are a gateway to further boat ownership. To extrapolate, the new boaters are not usually waterfront property owners, they are people who want to be on the water but do not have privilege of direct ownership access.

Maryland is fortunate to have the Chesapeake Bay as one of its many Natural Resources in this time of pandemic and restricted activity. The plethora of activities that can occur on the water is a blessing for the State's residents and beckons visitors. Whether rowing, paddle boarding,

waterskiing, fishing or sailing, the options for safe, socially distanced activities is vast. Why would the legislature want to PERMANENTLY limit the public from enjoying the outdoors and nature especially during this Pandemic?

**I ask this Committee to not recommend the approval of SB 321.** Please leave the process of regulating the State's waters to those that have experience on the water, who provide a forum for users of the water to express their views on regulations to impact the State's waters. By legislative action, you are effectively taking away the voice from many users of the water and only listening to those that live on this body of water. Did this legislative body put out an alert of the change to the waterway? Not in a way that everyday boaters would see. The Department of Natural Resources places buoys at the areas facing regulatory action. How is the boater to know what you are doing today? Have you visited the body of water in question? Have you inquired with the Natural Resources Police if this is an area with problems and citations? Do you know that this is ONE of THREE Controlled Ski Areas in the ENTIRE state of Maryland? Do you know that this area was set aside for waterskiing by the Severn River Management Plan? That National Record Holders have practiced here? That kids heading to college to ski with collegiate teams are juggling schedules of school and work to fit in a practice set at this location which is protected and safe?

As part of the Department of Natural Resources, the Maryland Boat Act Advisory Committee has developed, in its more than 50 years of existence, a process to seek and review the facts of each side of a proposed regulation. The committee uses those facts which include site visits, public testimony, current laws and regulations, and reports from Department of Natural Resources experts to make a recommendation utilizing the centuries of collective boating experience of committee members. Members of the Boat Act Advisory Committee are volunteers that include watermen, powerboaters and sailors, marina owner/operators, kayakers and paddle boarders, waterfront property owners and trailer boaters. Committee members take their duties seriously and participate in vigorous debate, taking into consideration their experiences and the need to balance regulation and safety, while maximizing access to the great waterways of the State of Maryland.

Will this legislation become the gateway to ensuring only those with a relationship of powerful Senators they support can access all public waterways? Or will this committee put a stop to those with influence eventually dictating where the less connected and their families are allowed to enjoy the collective natural resources of our State. Where do you stand? Are you for allowing the most people to enjoy the State's resources or only a select few.

Please vote against SB321 which takes away the voice of the boating public and circumvents the authority of the Secretary of Natural Resources. The process is not broken, it historically works well. If you open the door to allowing disgruntled petitioners to push legislation to control the waters of the State, you can expect a heavy agenda of legislation.

# **Opposition to SB 321 Edward Maley.pdf**

Uploaded by: Maley, Edward

Position: UNF

**February 10, 2021**

**Testimony for the Senate Education, Health, and Environmental Affairs Committee  
in Opposition to SB0321 – Edward M. Maley, PE**

My family and I have owned property on the Severn River for over fifty years. I am an avid water skier and member of the Severn River Ski Club. I am strongly opposed to SB321.

Nearly two years ago, SB93 was passed by the Maryland Legislature. The bill was nearly unanimously approved by the Senate as a “local courtesy”. Members of the House of Delegates took a closer look at the proposed bill and saw that the premise for the bill was flawed; many of them opposed the bill on its merit. Ultimately the bill passed the house as well, but with an important exception; a sunset clause was added. The sunset clause provided that the DNR would provide a report on the effects of the ski course on Maynadier Creek.

Now, Senator Reilly has proposed SB321 which will eliminate the sunset clause. Once again, a few property owners are seeking to supersede the established processes. In 2019, they superseded the authority of the Boat Act Advisory Committee; a committee appointed by the Governor to ensure that regulation of Maryland’s waters are based facts, not emotion, and based on the best interest of all parties. Now, this same group seek to overturn the sunset clause before hearing the facts.

One fact is clear. SB93 has had a devastating effect on the use of the Maynadier ski course while making no significant improvement for those who object to our presence. Since the implementation of SB93 ski course use has reduced by over 40%. What does that really mean? Prior to SB93, during June – August 2018, (91 days) only 71 boats used the Maynadier course. Typically each boat has three skiers and during a two hour session, each of the skiers will take 2 sets of 6 passes each. For each pass, the boat is only on plane for about 45 seconds; out of the 2 hour session, the boat is only on plane for 24 minutes. In other words, on average, you could see a ski boat at Maynadier about 1.5 hours per day and on plane only about 20 minutes per day. That leaves the remaining 11.5 hours of daylight without a ski boat in sight. By cutting our ability to ski by 40%, the hours without a ski boat present have only increased from 11.5 to about 12.1. Please ask, yourself – Prior to SB93 did the skiers really have exclusive use of Maynadier as claimed by the proponents of these bills? Does the reduction of ski hours really provide a benefit to the non-skiers?

I have attached the ski calendars from 2018 and 2020 for your information.

Concerning the “local courtesy” issue. This is not just a local issue. These bills SB93 in 2019 and now SB321 in 2021 are setting a dangerous precedence where wealthy property owners are able to project their influence on the use of public waters throughout the state. Maynadier Creek, the Severn River and the Chesapeake Bay are not the property of those fortunate enough to live on their shores. They are a state wide treasure for all to enjoy. More specifically concerning these bills, upon reviewing the

membership roles for the Severn Ski Club over the past several years, we have had active members from eight different counties plus Baltimore City and Washington DC. Counties include Anne Arundel, Baltimore, Carroll, Harford, Howard, Montgomery, Prince George's and Queen Anne's.

I hope that after you have taken a closer look at this issue, you see that it is without merit. Please vote no on SB321.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'E. Maley', is centered on a white rectangular background.

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### JUNE 2018

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
8-10						6/1	6/2
10-12							Boat 1
12-2							Boat 2
2-4							
4-6						Boat 1	
6-8						Boat 2	
	6/3	6/4	6/5	6/6	6/7	6/8	6/9
8-10							Boat 1
10-12			Boat 1		Boat 1		Boat 2
12-2							
2-4							
4-6			Boat 2		Boat 2		
6-8							
	6/10	6/11	6/12	6/13	6/14	6/15	6/16
8-10							
10-12					Boat 1		
12-2			Boat 1		Boat 2		
2-4							
4-6			Boat 2		Boat 3		
6-8			Boat 3				
	6/17	6/18	6/19	6/20	6/21	6/22	6/23
8-10	Boat 1						Boat 1
10-12				Boat 1			
12-2							
2-4							
4-6			Boat 1		Boat 1		
6-8			Boat 2		Boat 2		
	6/24	6/25	6/26	6/27	6/28	6/29	6/30
8-10	Boat 1						Boat 1
10-12							
12-2							
2-4							
4-6			Boat 1		Boat 1		
6-8			Boat 2		Boat 2		
Totals	2	0	10	1	9	2	6
	Monthly Total						30

### JULY 2018

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
8-10							
10-12	Boat 1						
12-2		Boat 1	Boat 1				
2-4							
4-6							
6-8							
	7/1	7/2	7/3	7/4	7/5	7/6	7/7
8-10							
10-12							
12-2							
2-4							
4-6			Boat 1		Boat 2		
6-8			Boat 2		Boat 3		
			Boat 3				
	7/8	7/9	7/10	7/11	7/12	7/13	7/14
8-10							Boat 1
10-12					Boat 1		
12-2							
2-4							
4-6			Boat 1				
6-8			Boat 2				
			Boat 3				
	7/15	7/16	7/17	7/18	7/19	7/20	7/21
8-10	Boat 1						
10-12			Boat 1				
12-2							
2-4							
4-6							
6-8			Boat 2		Boat 1		
					Boat 2		
	7/22	7/23	7/24	7/25	7/26	7/27	7/28
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6					Boat 1		
6-8							
	7/29	7/30	7/31				
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6							
6-8			Boat 1				
Totals	4	1	7	0	6	0	1
	Monthly Total						19

### AUGUST 2018

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
8-10							
10-12							
12-2							
2-4							
4-6							
6-8							
				8/1	8/2	8/3	8/4
8-10							Boat 1
10-12							
12-2							
2-4							
4-6							
6-8							
	8/5	8/6	8/7	8/8	8/9	8/10	8/11
8-10	Boat 1						Boat 1
10-12	Boat 2						
12-2				Boat 1			
2-4							
4-6					Boat 1		
6-8					Boat 2		
	8/12	8/13	8/14	8/15	8/16	8/17	8/18
8-10	Boat 1						
10-12	Boat 2						Boat 1
12-2							
2-4							
4-6			Boat 1	Boat 1			
6-8			Boat 2			Boat 1	
	8/19	8/20	8/21	8/22	8/23	8/24	8/25
8-10							Boat 1
10-12							
12-2							
2-4							
4-6							
6-8							
	8/26	8/27	8/28	8/29	8/30	8/31	9/1
8-10							
10-12							
12-2							
2-4							
4-6							
6-8			Boat 1				
			Boat 2				
Totals	4	0	6	3	4	1	4
	Monthly Total						22
	Total June - Aug						71

### JUNE 2020

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
8-10		6/1	6/2	6/3	6/4	6/5	6/6
10-12						Boat 1	
12-2							
2-4							
4-6			Boat 1		Boat 1		
6-8							
	6/7	6/8	6/9	6/10	6/11	6/12	6/13
8-10	Boat 1						
10-12		Boat 1	Boat 1				
12-2							
2-4					Boat 1		
4-6							
6-8			Boat 2				
	6/14	6/15	6/16	6/17	6/18	6/19	6/20
8-10						Boat 1	
10-12							
12-2							
2-4							
4-6			Boat 1	Boat 1			
6-8			Boat 2				
	6/21	6/22	6/23	6/24	6/25	6/26	6/27
8-10							
10-12		Boat 1				Work Day	
12-2							
2-4							
4-6			Boat 1		Boat 1		
6-8							
	6/28	6/29	6/30				
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6							
6-8							
Totals	2	2	6	1	3	2	0
	Monthly Total						16

### JULY 2020

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
				7/1	7/2	7/3	7/4
				Boat 1			
				Boat 1			
	7/5	7/6	7/7	7/8	7/9	7/10	7/11
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6					Boat 1		
6-8			Boat 1				
	7/12	7/13	7/14	7/15	7/16	7/17	7/18
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6					Boat 1		
6-8			Boat 1	Boat 1			
	7/19	7/20	7/21	7/22	7/23	7/24	7/25
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6			Boat 1				
6-8			Boat 2				
	7/26	7/27	7/28	7/29	7/30	7/31	
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6							
6-8							
Totals	4	0	4	2	2	0	0
	Monthly Total						12

### AUGUST 2020

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
							8/1
	8/2	8/3	8/4	8/5	8/6	8/7	8/8
8-10	Boat 1						
10-12	Boat 2						
12-2							
2-4							
4-6					Boat 1		
6-8							
	8/9	8/10	8/11	8/12	8/13	8/14	8/15
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6							
6-8							
	8/16	8/17	8/18	8/19	8/20	8/21	8/22
8-10							
10-12							
12-2							
2-4							
4-6					Boat 1	Boat 1	
6-8					Boat 2		
	8/23	8/24	8/25	8/26	8/27	8/28	8/29
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6							
6-8							
	8/30						
8-10	Boat 1						
10-12							
12-2							
2-4							
4-6							
6-8							
Totals	5	0	2	1	3	1	0
	Monthly Total						12
	Total June - Aug						40



# **HB 321 Statement in Objection. Robin Richardson. 0**

Uploaded by: Richardson, Robin

Position: UNF

February 8, 2021

### **Statement of Robin M. Richardson in Opposition to SB 321**

I object to SB 321. SB 321 seeks to repeal the termination provision of SB 93 (section 4), enacted in 2019 as Chapter 747 (full text provided in Exhibit 5). Under that termination provision, the amendments made by SB 93 to MD Code, Natural Resources, §8-725.1 will expire automatically on May 31, 2023. SB 321 repeals the termination provision of SB 93 and thus makes the amendments enacted by SB 93 permanent. This bill discriminates against all Marylanders so as to serve the special interests of a few wealthy landowners who dislike water skiing (or water skiers). For the reasons set below, I urge an unfavorable report.

#### **A. SB 321 Is Not A Local Bill.**

SB 321 permanently and effectively DENIES public access to the public Maynadier Creek water ski course. SB 321 would repeal the termination provision of SB 93 that banned (for a four year period) water skiing at Maynadier on Mondays and Thursdays (from 6pm – sunset), Fridays (after 4:00 pm), and all day on Saturday. The banned times were the very times when my family would ski, as late afternoon until Sunset, and Saturday skiing, allowed kids to ski (Exhibit 4), and allowed those of us who live in another county to have sufficient time to travel and get to the course.

My family lives in Montgomery County. We ski at Maynadier, as it has long provided a safe and accessible water ski course. We drive long distances for the opportunity to ski at Maynadier Creek. We seek no special privilege or access but merely to share the Creek as we have always shared. We routinely ski while others are paddleboarding, kayaking, crabbing, rafting, and boating nearby. Not a single person, other than these nearby objecting landowners, has ever had any problem with the use of the course by water skiers.

This state maintains only three water skiing courses for the entire state. One course is Maynadier. Maynadier is the only course in Maryland that is ideal for water skiing because it has limited traffic by high-speed boats and is sheltered from the wind on all sides. Another course is several miles away in the middle of the Severn, but that course is located in a major waterway that is heavily used by motorboats, which generate constant and significantly sized wakes. That course is also wide open and thus unsuitable and unsafe in windy conditions. Such wakes and wind make water skiing quite dangerous.

#### **B. Regulations Already Limit Ski Hours -- But SB 321 Would Repeal the Termination Provision of SB 93/Chapter 747, Thus Effectively Continuing To BAN Skiing For Working Persons And Students.**

This bill is not necessary. Indeed, when enacted in 2019, SB 93 was not necessary, because regulations already limited the hours that water skiers may ski on the three controlled water ski courses. There is certainly no reason to make these restrictions permanent. State-wide regulations already apply to all public water ski courses. Specifically, COMAR 08.04.16.01.C.(4), the Maryland Department of Natural Resources (DNR's) regulation, provides that, "[a] person shall not operate or give permission to operate a vessel for the purpose of towing a water skier on the slalom ski course on Saturdays, Sundays and State Holidays between 12 noon and sunset during the months of June, July or August." Thus, the current regulations limit weekend and holiday hours during the summer only, and preclude skiing between noon and sunset on Saturdays, Sundays and holidays during the summer. Under SB 93, as

enacted in 2019, those regulations would once again become applicable to Maynadier after May 31, 2023.

In 2019, SB 93 effectively abrogated those State-wide regulations by amending MD. Code, Natural Resources, § 8-725.1, to ban skiing, for a 4 year period between 2019 and 2023, on Mondays and Thursdays (from 6pm – sunset), on Fridays (after 4:00 pm), on Saturdays (all day), on Sundays (from noon until sunset), and on holidays (all day). In addition, SB 93 applies year round, including during the late Spring (April and May) when the skiers usually start to get in the water, and the early Fall months (Sept-October), when skiers would appreciate being able to ski at Maynadier. (Exhibit 5).

SB 321 would, by legislative fiat, make SB 93 permanent, and therefore eliminate the ability of the DNR and the Maryland Boat Advisory Committee (BAAC) to study and consider how best to allow public access to the waterways. Indeed SB 321 eliminates the compromise provision of SB 93 (Section 3) that directed DNR to provide a study after 3 years, or in 2022. (Exhibit 5). The SB 93 study provision provides, “*SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the Department of Natural Resources shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the implementation of this Act.*” (Exhibit 5). SB 321 renders this provision moot by repealing the termination provision one year before the study is due. By repealing the termination provision, SB 321 would make permanent SB 93’s unfair and limited times to water ski, all without affording the DNR an opportunity to conduct the study that SB 93 required of it when SB 93 was enacted in 2019. The DNR study was an essential provision of SB 93. Making SB 93 permanent without even affording the DNA an opportunity to conduct the required study, or waiting for the results of that study, is bad faith.

### **C. The Skiers Ski Only 5 Hours Per Week.**

As the skiers logs demonstrate, the skiers engage in very limited use of the Creek. Indeed, the skiers have long made these logs available to the homeowners and it would appear that SB 93 used these very logs to target days on which to prohibit skiing. As a result of SB 93/Chapter 747, the skiers ski only 5 hours per week on average at Maynadier. The actual time of a pass during the ski course is only about 30-40 seconds. Thus of the 5 hours that the boats are on the Maynadier course, only a very small percentage of that time is spent actually skiing.

### **D. The DNR And The BAAC Had A Public Hearing On This Same Issue.**

SB 321 would, by fiat, divest the appropriate government entities of their authority to study and regulate water skiing. As enacted in 2019, SB 93 would have returned Maynadier to the jurisdiction of the DNR and the BAAC. SB 321 should be seen for what it is: an attempt to do an end run around the DNR and the BAAC.

The DNR and the BAAC have already thoroughly studied the Maynadier Ski course. On October 11, 2016, the DNR and the BAAC conducted a formal public hearing to evaluate the landowner’s 2016 proposal to limit the Maynadier ski course hours. The DNR and the BAAC posted prior notice of the proposal and accepted submissions, provided an opportunity to be heard, reviewed submissions, and considered the proposal. All concerned persons had a full and fair opportunity to be heard. In fact, the landowners fully participated and were able to voice their concerns at that time.

The testimony before the DNR and the BAAC demonstrated that “ski boats have a very small wake,

smaller than windblown wakes,” and skiers and ski boats “are not disrupting the creek, there’s not an environmental problem.” (BAAC Fall Meeting Tr. at p.152: 15-16 & p.155: 11-12 (Oct. 11, 2016) (statement of Mr. Wilson). Further, DNR did a study by Dr. Dennison, an independent expert, who found that “the skiing had no effect on the growth of submerged aquatic vegetation in the creek.” (*Id.* at p. 157-58 20-3) (statement of Mr. Schaffer), [http://dnr.maryland.gov/boating/Documents/BACC\\_transcript\\_10-11-2016.pdf](http://dnr.maryland.gov/boating/Documents/BACC_transcript_10-11-2016.pdf).) As BAAC expert, Stephen Kling, concluded:

[T]his was some of the most compelling ... and comprehensive testimony that I have heard. I think from the people wanting to roll back the hours we heard just the general, vague, erosion, other use. I mean the kind of things we often hear. And the skiers were, I thought, as organized and as fact-driven as anybody I can remember hearing. **And the fact that we’re talking about at most 14 boats, I was rafted up in that creek in June, six boats, skiers came in, absolutely no problem, there was people using the creek, it was absolutely not an issue....**

(*Id.* at p.206: 1-16 (Oct. 11, 2016) (statement of Mr. Kling) (emphasis added), [http://dnr.maryland.gov/boating/Documents/BACC\\_transcript\\_10-11-2016.pdf](http://dnr.maryland.gov/boating/Documents/BACC_transcript_10-11-2016.pdf).) Based on their review, the BAAC and the DNR denied the proposal and issued “**No Change To The Current Regulation.**” ([http://dnr.maryland.gov/boating/Pages/regulations/regs\\_dis2016.aspx](http://dnr.maryland.gov/boating/Pages/regulations/regs_dis2016.aspx).) As then-Chairman Christopher Parlin concluded after the evidentiary hearing:

We talked about equal and trying to share the use of the water, state waters, amongst all user groups. One of the folks had a very good comment and that is there are only three regulated ski courses in the state of Maryland so for our professional water-skiers or those striving to be professionals or highly skilled waterskiers, not your weekend folks going out and finding a smooth body of water I think we’re accomplishing that goal by giving them a place to ski and giving them the hours to ski.

(BAAC Fall Meeting Tr. at p. 209: 11-21 (Oct. 11, 2016) (statement of Mr. Parlin) [http://dnr.maryland.gov/boating/Documents/BACC\\_transcript\\_10-11-2016.pdf](http://dnr.maryland.gov/boating/Documents/BACC_transcript_10-11-2016.pdf).) The DNR and the BAAC have done an excellent and professional job managing this recreational waterway by balancing the diverse public uses of the Severn River. The DNR and the BAAC are the waterway experts. SB 321 erodes their authority. This bill undermines public trust in both the legislative process and access to the public waters.

#### **E. For 28 Years, DNR Has Regulated The Maynadier Course.**

The course has been in existence for over 50 years. Since 1991, the Maynadier Course has been regulated as a regulation American Water Ski Association slalom water ski course. (<http://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/Public-Notice-View/Article/494196/pn14-29-severn-river-and-magothy-river-ski-clubwater-ski-coursebuoys-anne-arund/>.) It is a precious public recreational resource. Again, only the Maynadier course provides a safe space for the skiers to ski as it is more protected from boat wakes than the other two controlled ski course on the Severn. This safety issue is critical, because slalom skiing is a highly technical and dangerous sport. As the attached pictures show, the course does not take up the entire Creek and all Creek users may use the Creek while the skiers ski. (Exhibit 2). During this time, other boats may be rafted nearby or paddling nearby: the skiers, boaters, and other waterway users have all been on friendly

terms and have all used the waterway at the same time without incident. Waterskiing is also in harmony with the wildlife.

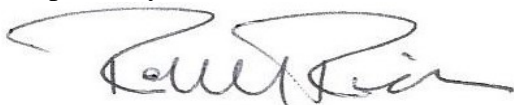
**F. There Is Room For Everyone At Maynadier: Skiers Are Good Neighbors.**

As Exhibit 1 shows, a very small number of landowners (approx. 12) have waterfront access. Exhibit 2 shows that Maynadier Creek is a large area that easily supports multiple concurrent uses: rafted boats, kayakers, crabbers, motor boats, and sailboats. There is room for everyone. We are friendly with the other boaters and they often sit and “judge” our water skiing. As the undisputed evidence shows, the specialized ski boats have a small wake, and the skiing does not disturb the wildlife. As Exhibit 3 shows, the blue heron frequently stands nearby, watching the skiing. As Exhibit 4 shows, it is import to have a safe place for our kids to ski.

**CONCLUSION**

SB 321 would improperly divest the DNR and the BAAC of their regulatory authority over Maynadier. This bill unfairly and unjustifiably favors a few landowner while discriminating against water skiers from around the State from using this public waterway. *I urge an unfavorable report from this Committee.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robin M. Richardson". The signature is fluid and cursive, with a large initial "R" and "M".

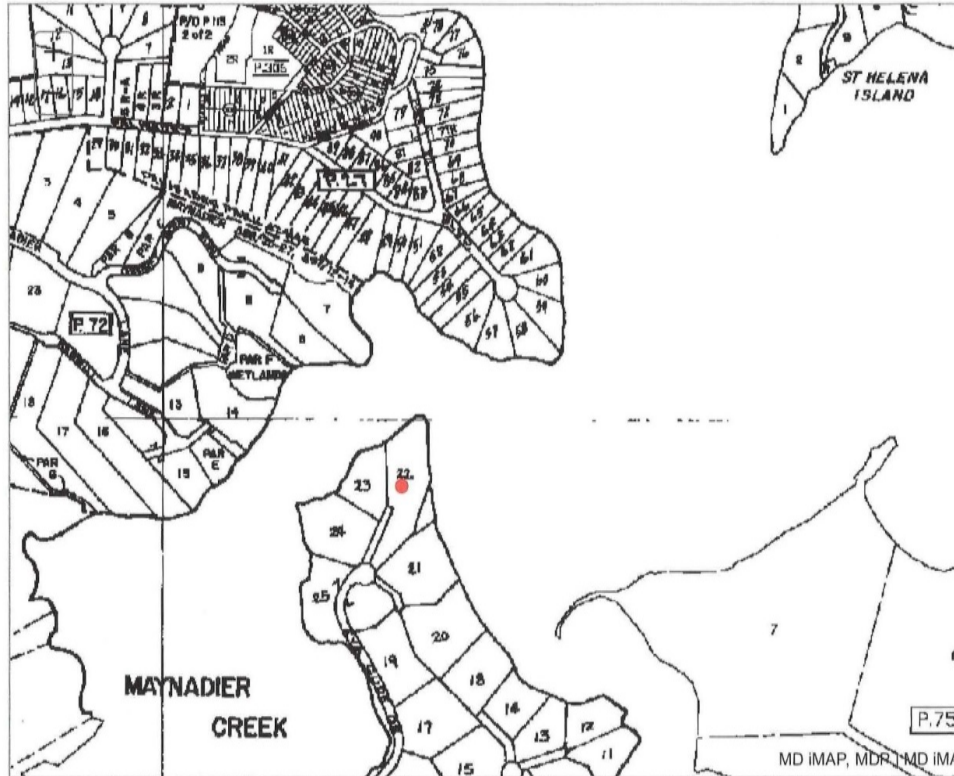
Robin M. Richardson  
7416 Ridgewood Avenue  
Chevy Chase, MD 20815  
[robinMrichardson@aol.com](mailto:robinMrichardson@aol.com)

# EXHIBIT 1: Tax Map: Few Waterfront Properties in Maynadier Creek.

Anne Arundel County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: **02** Subdivision: **044** Account Number: **90023585**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

**EXHIBIT 2: Pictures of Ski Course: Space for Everyone in Maynadier.**



**Exhibit 3: The Blue Heron Watches the Water skier.**



**Exhibit 4: Water Skier**





**Exhibit 5: SB 93, as enacted  
Chapter 747 (Contains the  
Required DNR Study Provision)**

Chapter 747

(Senate Bill 93)

AN ACT concerning

**Anne Arundel County – Controlled Water Ski Area in Maynadier Creek –  
Operation of Vessel – Hours of Operation**

FOR the purpose of authorizing a person to operate or give permission to operate a vessel for certain purposes in a slalom ski course located in a controlled water ski area in Maynadier Creek during certain times on certain days; prohibiting a person from operating or giving permission to operate a vessel for certain purposes in a slalom ski course located in a controlled water ski area in Maynadier Creek ~~between certain dates, on certain days and State holidays, or under other specified circumstances;~~ providing for the application of this Act; defining a certain term; requiring the Department of Natural Resources to report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the operation of a vessel on a slalom ski course in a controlled water ski area.

BY renumbering

Article – Natural Resources  
Section 8–725.1 through 8–725.7, respectively  
to be Section 8–725.2 through 8–725.8, respectively  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Natural Resources  
Section 8–725.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–725.1 through 8–725.7, respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8–725.2 through 8–725.8, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Natural Resources**

**8–725.1.**

(A) IN THIS SECTION, “CONTROLLED WATER SKI AREA” MEANS AN AREA THAT:

(1) IS MARKED BY THE DEPARTMENT;

(2) ENCOMPASSES A SLALOM SKI COURSE THAT IS PERMITTED BY THE U.S. ARMY CORPS OF ENGINEERS; AND

(3) IS DESIGNED, CONSTRUCTED, AND INTENDED FOR CONTROLLED WATER SKI PRACTICE.

(B) THIS SECTION APPLIES TO A CONTROLLED WATER SKI AREA LOCATED IN MAYNADIER CREEK.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY OPERATE OR GIVE PERMISSION TO OPERATE A VESSEL FOR THE PURPOSE OF TOWING A WATER SKIER IN A SLALOM SKI COURSE LOCATED IN A CONTROLLED WATER SKI AREA ONLY ON:

(I) ~~MONDAYS, TUESDAYS, WEDNESDAYS, AND THURSDAYS BETWEEN NOON AND SUNSET~~ 8:00 A.M. AND 6:00 P.M.;

(II) TUESDAYS AND WEDNESDAYS BETWEEN 8:00 A.M. AND SUNSET;

(III) FRIDAYS BETWEEN 8:00 A.M. AND 4:00 P.M.; OR

(IV) SUNDAYS BETWEEN 8:00 A.M. AND NOON.

(2) A PERSON MAY NOT OPERATE OR GIVE PERMISSION TO OPERATE A VESSEL FOR THE PURPOSE OF TOWING A WATER SKIER IN A SLALOM SKI COURSE LOCATED IN A CONTROLLED WATER SKI AREA ON:

(I) ~~BETWEEN MARCH 15 AND JUNE 15 OF EACH YEAR;~~

(II) ~~ON FRIDAYS, SATURDAYS, SUNDAYS, AND;~~ OR

(III) STATE HOLIDAYS;

(IV) ~~AT A SPEED GREATER THAN 6 MILES PER HOUR WITHIN 100 FEET OF EACH END OF THE SLALOM SKI COURSE; OR~~

(V) ~~WHEN OTHER VESSELS OR PEOPLE IN THE WATER ARE;~~

- ~~1. ENTERING MAYNADIER CREEK;~~
- ~~2. EXITING MAYNADIER CREEK;~~
- ~~3. CROSSING THE CONTROLLED WATER SKI AREA; OR~~
- ~~4. WITHIN 50 FEET OF THE PERIMETER OF THE CONTROLLED WATER SKI AREA.~~

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the Department of Natural Resources shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the implementation of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 4 years and, at the end of May 31, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**

# **Against SB321 - 8 Feb 2021.pdf**

Uploaded by: Ver Ploeg, Thomas

Position: UNF

## Opposition to SB 321

### A Bill to Limit Public Water Ski Course Access to Benefit a Handful of Homeowners

I am writing in OPPOSITION to SB 321 which aims to limit water skier access to Maynadier Creek, one of only three PUBLIC ski courses in the State of Maryland.

I've been skiing on the Severn River since moving to MD in 2004. I lived in AA County 2004-2015 and now live in Baltimore City. I continue to ski the Maynadier course throughout spring, summer and fall.

The public waterski courses are a huge asset to residents of Maryland and beyond. Here's a slice of those who ski Maynadier and Sunrise Controlled Water Ski Courses...

- US Naval Academy Mids, current and former, from across the country come out to ski with their sponsors or with members of the Severn River Ski Club.
- High School students training for ski clubs, some preparing for university ski teams.
- Residents of Harford, Montgomery, Baltimore and Anne Arundel Counties and beyond.
- Professionals - women and men - traveling long distances to pursue a sport they love.
- Young professionals from DC, Columbia, etc. who find the course through Severn River Ski Club

Limiting Maynadier Course access will exclude many of those above, especially the younger skiers.

In the fall of 2016 the Boat Act Advisory Committee (BAAC) and DNR held a public hearing regarding skier hours on the three Maryland Public ski courses. After testimony from both sides the BAAC UNANIMOUSLY decided to maintain the current regulations regarding the three Maryland Public ski courses.

SB 321 attempts to revise those regulations. This represents yet another attempt by Senator Reilly, backed by several waterfront property owners, to circumvent the DNR and BAAC regulations through legislation.

I am requesting that you heed the DNR and BAAC decisions and oppose this bill.

Sincerely,



Thomas A Ver Ploeg  
1200 Steuart St #1048  
Baltimore MD 21230  
410.350.4301  
[tom@verploeg.net](mailto:tom@verploeg.net)

*(Please see photo below)*



***Typical Day...  
Chris Y. just dropped at south end, ready for return pass.  
Heron is unruffled.***

**SB321 Written Testimony to EHEA.pdf**

Uploaded by: Walker, Kenneth

Position: UNF



Kenneth M. Walker

### **Written Testimony in Opposition to SB 321**

In 2019, Sen. Reilly sponsored SB93 to restrict usage of public waterways for specific users. He even classified the issue as an emergency, making the changes go into effect immediately. The reason given for this bill was to allow the DNR to reconsider the regulations. The legislation called for the DNR to produce a report by December 2022 that would be used by the legislature to decide how to proceed.

SB 321 seeks to remove the 2023 sunset clause in SB 93 and makes the changes permanent without further debate or examination of evidence. Given all the other critical issues that face the legislature, it is unclear why a bill like this that impacts such a small number of constituents would even be considered.

I have lived on the Severn River for over 20 years and am an avid water skier. I have served as the President of the Severn River Water Ski Club for over 15 years. The club maintains the ski course in Maynadier and holds the permit from the Army Corp of Engineers. We have worked with the DNR to educate boaters on the usage of the ski course. The DNR requires that all boats that use the ski course display a "Controlled Ski Area" sticker, which is only issued to boats that adhere to standards set by the waterskiing regulatory body, USA Waterski. There are approximately 20 boats in the ski club that have this registration.

The ski course in Maynadier Creek is a regional asset. There are only 3 public courses with permits in the State of Maryland. Skiers regularly come from Aberdeen, Baltimore, the Eastern Shore, Montgomery and Prince Georges Counties, and Washington DC to practice on this course. Many of these skiers participate in State, Regional, and National competitions.

The ski club utilizes an online calendar to coordinate ski sessions. Based on the calendar entries, the Maynadier creek course was used 71 times from June-August in 2018 (prior to SB93). In 2019 and 2020, this usage fell to 43 and 40 - a 41% drop in usage despite a record year for general boating activity in 2020. The removal of evening hours (6 PM to sunset) several days a week has had the most dramatic impact since most of our members are at work during the day.

In 1960 the Legislature defined a process for establishing the regulations for public water usage through the Department of Natural Resources and the Boat Act Advisory Committee. The BAAC includes experts that represent all stakeholders to ensure that regulations are fair and consistent. The purpose of this process was to avoid abuse of the legislature to enact regulations that are confusing to users and difficult to enforce, and that benefit only a few privileged constituents. The BAAC held hearings, collected feedback, and debated the ski course usage hours in Maynadier for over a year. The landowners presented their views at these hearings. A transcript of the hearing and subsequent debate is available here: [http://dnr.maryland.gov/boating/Documents/BACC\\_transcript\\_10-11-2016.pdf](http://dnr.maryland.gov/boating/Documents/BACC_transcript_10-11-2016.pdf). Please request feedback from the DNR and BAAC on this legislation before proceeding.

This bill is analogous to a homeowner that lives along the B&A trail and wants to restrict bikers because they prefer to walk. For this analogy to be complete, there would have to be only 3 places in the State for bikers to ride. And further, bikers would only use the trail a couple of times a day at most, leaving

the trail biker free more than 90% of the time. Like the trail usage example, there are many concurrent users of the creek and despite the claims fabricated by the proponents of this bill, there are NO conflicts between these users. I encourage you to request data from the DNR on this point.

As we argued in 2019, we do not feel there are any compelling reasons why the usage of Maynadier Creek should be regulated any differently than any other waterway in the State. All the objections raised by the proponents of this bill have been shown to have no basis in fact (safety, noise, erosion, restriction of other concurrent activities have all been disproved repeatedly). This issue comes down to a handful of landowners that want to control the use of the public water behind their homes. Changing the process for specific stakeholders sets a precedent that neuters the regulating bodies. We believe when the DNR examines the evidence, the lack of any conflict between users will allow the legislative branch to determine there is no need for this "emergency" legislation and allow the sunset clause to expire the changes.

Please vote against SB 321 and move on to more important legislation. Thank you for your consideration.

Respectfully Submitted,

Kenneth M. Walker  
617 Lakeland Road S.  
Severna Park, MD 21146  
severnskier@gmail.com

# **SB-321 opposition JWW.pdf**

Uploaded by: Wilson, James

Position: UNF

RE: Opposition to SB 321

I am Opposed SB 321 that is the latest effort to Usurp the DNR's responsibility of regulating the Maryland Public Waters, for a couple of Homeowners.

In 2019 Sen. Ed Reilly was the One-and-Only sponsor of SB 93 that over-rode the DNR's authority to regulate Maryland Public Waters for the first time since 1960, setting a very bad precedent. SB 321 is sponsored ONLY by Ed Reilly who is now Amending his previous bill without even waiting for the DNR Study that was included in his own bill SB 93-2019 !

Mr. Reilly is not a boater, ask him, he has no connection to the water and is simply working on behalf of a couple of waterfront homeowners. Please note that within one gated community being represented by Mr. Reilly some of these homes are not primary residences but second homes. Maynadier Creek has over 2 miles of shoreline with only about a dozen private piers in the ski area. Maynadier Creek is part of Maryland Public Waters formerly regulated by the DNR (before SB93-2019).

#### HISTORY

Since 1990 there has been a Corp of Engineers Sanctioned Slalom Ski course in Maynadier Creek that has been Studied and reviewed in extreme detail over the years. During 2013 thru 2016 the Corp of Engineers re-certified the Slalom Ski Course in Maynadier Creek after extensive in-depth review and with the input and approval from various agencies including the US Coast Guard, DNR, Maryland Department of the Environment, Fisheries and Wildlife, University of Maryland Horn Point Lab., the NOAA, Multiple COE on-site and on-water surveys during different times of the year plus Notices asking for input from ALL Waterfront owners. If there were any Environmental problems, the COE would not have re-certified the Slalom Course to be a permanent fixture on the NOAA Waterways Charts. Navigation and Environmental issues including noise, erosion, underwater grasses, fish, and other wildlife have been studied extensively and the conclusions have unanimously shown there are no issues with DNR Certified Ski boats that are required to be used in this course.

In the past 30 years there have been NO issues reported by the marine police or DNR for any problems related to this Slalom course. No other Boater has even called. There have never been any restrictions to any other boater, paddle board, canoe, etc. while the ski course is being used, all share at the same time.

In 2016 the DNR unified the times and places for operation for the 3 ski courses on Maryland Waters that included restricted Skiing times during the Boating Season. Hearings were held to obtain input from all concerned citizens concerning this issue and it was concluded that the current regulations were working. There is an existing DNR review process in place if something changes

and needs to be addressed that can be requested by citizens or organizations at any time.

In 2019, Sen. Reilly introduced SB93 that removed the responsibility of the DNR from regulating Maynadier Creek to skiing hours that he and he alone dictated. There were no public hearing, no negotiations, and no input from DNR. Mr. Reilly simply listened to a couple of waterfront Homeowners that in recent years moved to Maynadier Creek and apparently did not want to be able to see competitive skiers from their property and requested that Sen. Reilly dictate the restricted hours these athletes can practice.

The previous DNR regulations (pre 2019) were not based on the whim of a single person but on hundreds if not thousands of hours of Manpower from various agencies contributing to Multiple research studies since the 1980's plus the input from the BAAC\* which is a body of experienced boaters and waterfront owners that evaluate the input from of all parties in Public Water decisions.

\*The Boat Act Advisory Committee (BAAC) is a group of concerned citizens that was set up by the Maryland Legislature in 1960 to advise the DNR about Maryland Water Regulations. The BAAC is made up of 10 to 20 Boaters, Watermen, Waterfront owners and other users of the water to meet and hold hearings regularly about various Maryland Public Water concerns that arise, EXACTLY like this issue.

### I urge you to reject SB-321.

Not only should SB 321 be denied, it should be amended to reverse SB-93-2019 and return the responsibility for the regulation of the Public Water of Maryland back the DNR where it belongs.

The Senate and House should not even be involved in this but should be trying to help the citizens of Maryland during these Medical and Economic disasters.

I am a life-long Boater, a competitive Water skier and currently hold a 50T Masters Captains License. These restrictions reduce practice times in this sanctioned ski course which affects performance. These very limited hours make it very difficult to use this Public Resource as these bills remove family ski times to all but 3 times a week due to work even in the off-season months. There is no Science or Research that supports this bill.

I have copies of the many reports from 1990 till present that confirm there are no environmental or noise issues with this course if you are interested.

Capt. James W. Wilson - USCG Master 50T  
410-544-3610  
214 Oak Court  
Severna Park, MD 21146

# **SB321 Testimony Yearwood.pdf**

Uploaded by: Yearwood, Christopher

Position: UNF

## SB 321 TESTIMONY

My name is Captain Christopher Yearwood I hold a USCG Unlimited Tonnage Any Ocean Masters License and First-Class State Pilotage upon the entire Chesapeake Bay and Prince William Sound Alaska. I am an avid water skier, boater, sailor, and fisherman and retired Naval Reserve Officer.

It would be appalling if SB321 should make it out of this committee in the middle of an economic and pandemic crisis where people have lost jobs, income, education and their lives. I have witnessed merchant seaman trapped aboard ships for over a year, yet SB321 is important? Why? Senator Reilly's bill SB93 provides for a DNR study due in 2022, why can't we wait to see the results of that study and keep the sunset review clause? Without the sunset clause the 41% decline in use of the ski course since SB93 was passed would be permanent.

This is not a local bill. The Mayandier water ski course is one of only three state sanctioned ski courses open to the public. However, the Maynadier course is unique in that it is protected from both boat wakes and wind-induced waves. Therefore, it is a SAFE body of water to ski all the time.

The Severn River Ski Club is open to all. We promote access to people of color, and we have taught persons from all backgrounds how to ski. We promote equal access for everyone. Skiers come from Montgomery County, Baltimore City, Prince Georges County, and the Eastern Shore to name a few.

SB321 solidifies and makes permanent a public waterway grab by a handful of homeowners. It circumvents the regulatory process the legislature placed into the hands of the experts at DNR and the BAAC. The legislature does not possess the expertise that DNR and BAAC has on this issue.

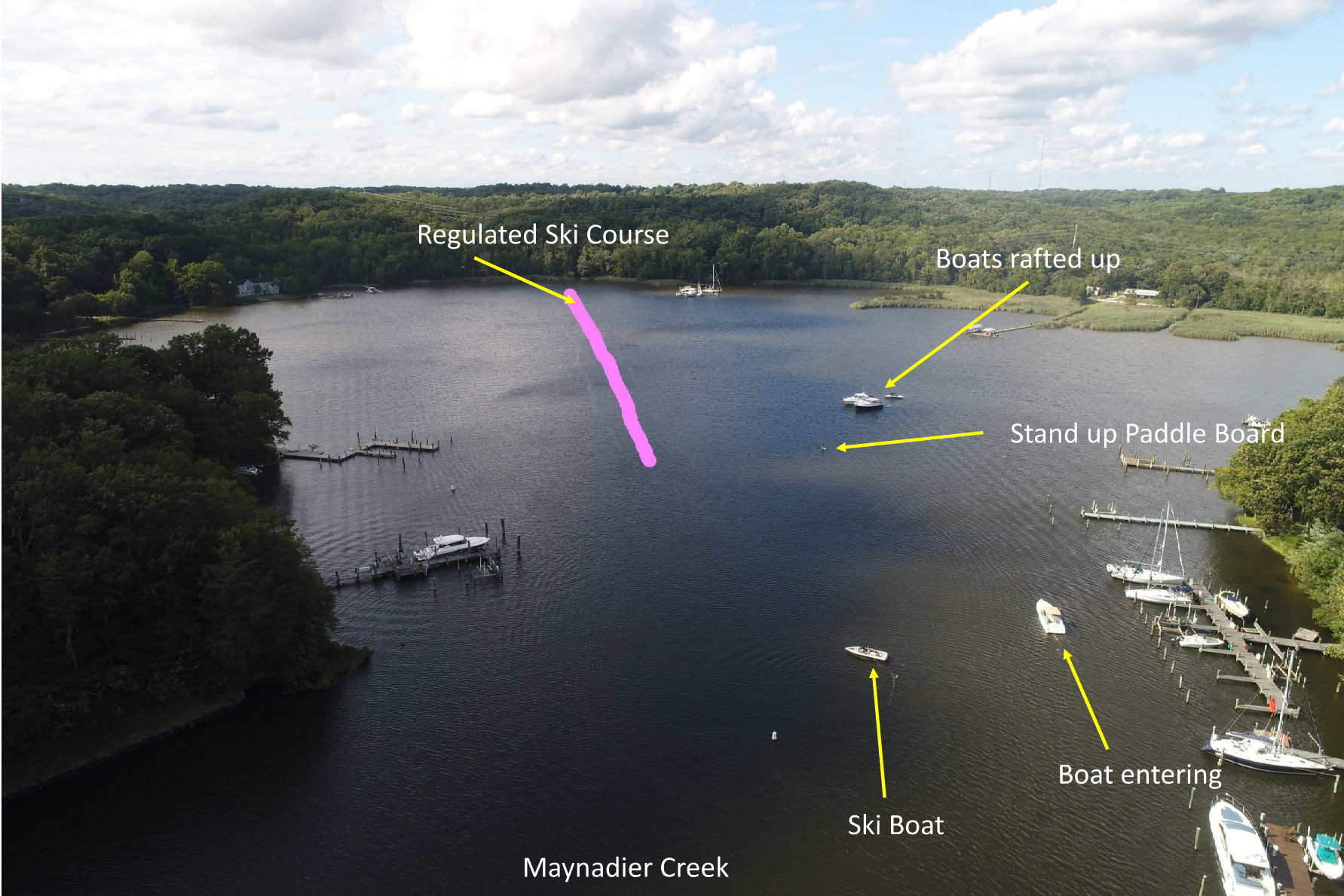
The course predates the waterfront homeowners. This is not the waterfront homeowner's backyard it is a PUBLIC WATERWAY. Science and data have repeatedly not supported any of the claims justifying such a bill. The Army Corp. of Engineers studied the Creek extensively from 2013 to 2016 before the course was realigned.

Skiers have never had a problem with other waterway users, nor has DNR ever had a complaint. If there were complaints, there is already a built-in process through DNR and the BAAC. Skiing has never prevented other waterway users from

enjoying Maynadier Creek. At times skiers, paddle boarders, kayakers, fisherman, crabbers and rafted up boats all enjoy Maynadier Creek in Harmony. Skiers are very respectful of other waterway users.

Please vote AGAINST SB 321.





Regulated Ski Course

Boats rafted up

Stand up Paddle Board

Boat entering

Ski Boat

Maynardier Creek

# **SB321 Testimony.pdf**

Uploaded by: Yearwood, Christopher

Position: UNF

## SB 321 TESTIMONY

My name is Captain Christopher Yearwood I hold a USCG Unlimited Tonnage Any Ocean Masters License and First-Class State Pilotage upon the entire Chesapeake Bay and Prince William Sound Alaska. I am an avid water skier, boater, sailor, and fisherman and retired Naval Reserve Officer.

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Please vote AGAINST SB 321.