



Industry growth through Collaboration, Communication and Education

July 27, 2017

Chairwoman Karen Spilka
Senate Committee on Ways & Means
State House Room 212
Boston, MA 02133

Re: SB 472, An Act providing for the establishment of a comprehensive adaptation management plan in response to climate change

Dear Chairwomen Spilka and Committee Members:

On May 15, 2017, the Massachusetts Marine Trades Association (“MMTA”) submitted comments to the Joint Committee on Environment, Natural Resources & Agriculture on SB 472, An Act providing for the establishment of a comprehensive adaptation management plan in response to climate change, offering suggestions to include and protect the business of boating within the text of the bill. Please consider the comments below and consider allowing MMTA to participate in improving important implementation details not yet reflected in the bill. MMTA has a unique perspective on environmental, economic and safety issues and would be delighted to share for the benefit of all.

Established in 1964, MMTA is the statewide, non-profit, representative body for over 1,200 marine trades businesses in the Commonwealth. Our businesses employ over 27,000 men and women and generate over \$2.0 billion in direct and indirect annual economic activity for Massachusetts inland and on the coast. MMTA’s priorities include improving workforce training for the marine trades, enhancing public access to the waterways, stemming the loss of revenues to neighboring states with more favorable boating tax policies, relieving the dredging and permitting timelines and expenses, as well as providing greater boating opportunities for the public.

The recreational boating industry contributes positively and significantly to the economic strength and quality of life enjoyed in Massachusetts. The ‘business of boating’ provides jobs, economic opportunity, public access to our precious waterways, improves aesthetics of inland and coastal waters and supports environmental stewardship while promoting a family-friendly form of recreation and tourism. A highly reputable study done by Dr. Edward Mahoney from the Michigan State University, about Massachusetts in particular, concluded that for every one dollar spent on a slip or mooring, vessel owners spent four dollars in local businesses.

The “businesses of boating” that make up much of MMTA’s membership, the boat builders, marinas, boatyards and boat dealers located throughout the state rely on safe and

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sustainable access to the waters of the Commonwealth in order to provide jobs, economic opportunity, and public access to our precious waterways. These businesses improve the aesthetics of inland and coastal waters and support environmental stewardship while promoting a family-friendly form of recreation and tourism. Regardless of the mechanisms creating climate change, particularly sea level rise, MMTA encourages proactive planning in response to those changes. However, that planning must provide flexibility to achieve realistic goals which are supportive of the continued protection of our public trust rights at the waters' edge. To that end MMTA offers the following suggestions for revisions to the existing text of SB 472.

Despite textual uncertainty, MMTA understands that the bill is intended to apply to all private sector projects needing or possessing licenses and permits from a state agency or authority (see lines 47-50). **Last legislative session, MMTA appreciated and supported Senator Tarr's non-partisan amendment, which suggested that the climate adaptation management action plan (the "plan") not adversely impact existing rights, in essence grandfathering those rights created through existing approvals. This proposed language is crucial for marinas and boatyards because they require a location at the water's edge and is also essential for a prosperous economy and public access to waterways, generally. Therefore, MMTA encourages more explicit, clear language of that same intent.**

Where so much of this bill's focus relies on the efforts of an advisory commission created by Section 3 of the bill, **MMTA respectfully requests inclusion on that commission representatives of the businesses of boating.** We also encourage the inclusion of representatives from commercial and industrial maritime and marine trades sectors who constitute especially important components of operations in our ports and harbors; geographically these ports and harbors are the epicenter of those planning efforts contemplated by this bill. The knowledge and experience these groups have gained by operating businesses and managing assets along our coastline would surely be invaluable to the advisory commission.

MMTA encourages expansion of the lease provisions of Section 9. We suggest the inclusion of private sector entities as acceptable lessees for land acquired pursuant to Section 8. The likelihood of beneficial activation of land acquired under this statute would increase where a greater number of entities, beyond just municipalities, would be eligible to make use of said land for conservation and recreation. Budget constraints and lack of staffing within so many municipalities is a constant struggle which would unnecessarily limit the beneficial use of these lands and many worthy entities are capable of ensuring the goals of this statute are satisfied all while providing expanded recreational and public access opportunities.

MMTA hopes the Joint Committee will reconsider the restrictions placed on conservation and recreation lands as suggested in Section 9. While we recognize the need to restrict activities on these parcels, a prohibition of "permanent structures" may not be beneficial. Though permanent structures are undefined by this bill, it would likely prohibit uses by water-dependent recreational operators who are **perfectly suited to operate recreational boating facilities on these parcels with no risk to goals of the statute.** Well prepared marinas continually demonstrate their capabilities for safely operating on the types of land considered by this bill to be vulnerable to sea level rise. The types of operations are easily adaptable to changing environmental conditions and with little effort marina structures can be secured or removed from harm's way. In addition to being welcomed stewards of these lands, recreational marine operators would provide an economic return to the Commonwealth, not merely as fee-

paying tenants but also as employers, generators of economic activity and magnets for tourism. We feel that any successful adaptation management plan would be capable of conditioning uses for land vulnerable to sea level rise beyond that of open space.

Though open space is unquestionably valuable to the interests contemplated by this bill, so too is the opportunity to safely and sensibly make use of our water's edge for recreation and economic return. **Please do consider ways to incorporate recreational marine businesses into the future success of the Commonwealth in addressing climate change and sea level rise. MMTA suggests modification to the bill's text to state that: *no permanent structure with the exception of boating facilities pilings, docks and floats designed in compliance with the plan would be permitted.***

MMTA also commends the bill sponsors for the inclusion of funding opportunities through the creation of a regional comprehensive climate change adaptation management action plan grant program. We respectfully observe that funding is often a significant challenge for the private sector, with many financial obligations restricting planning and adaptation measures it becomes difficult to devote scarce financial resources to such efforts. **We encourage the inclusion of municipalities, private sector and non-profit entities** in the list of eligible recipients for grant funding under this program. Such funding would be a particularly valuable where the private sector would be required to comply with additional permitting requirements under the proposed adaptation management plan.

Lastly, where Section 10 of the bill seeks additional regulation of land subject to coastal storm flowage under the section 40 of chapter 131 of the General Laws (The Wetlands Protection Act) by the Commissioner of the Dept. of Environmental Protection, MMTA suggests that since no performance standard currently exist for land subject to coastal storm flowage, this bill **specifically disallow the creation of new regulatory provisions creating or addressing "buffer zones" to land subject to coastal storm flowage.**

Buffer zones are those areas of land immediately adjacent to regulated resource areas, commonly 100 feet outward from the boundary of any area regulated by the Wetlands Protection Act. Land subject to coastal storm flowage is already defined as a resource area under the Wetlands Protection Act which currently does not have an associated buffer zone. It is improbable that this resource area would benefit in any meaningful way from the additional regulatory review of work in what would be a buffer zone, even once performance standards are developed for work in these resource areas. This type of oversight would merely create additional cost and time delays without producing tangible environmental benefit.

Thank you for your thoughtful consideration of these comments. By incorporating the above suggested revisions, MMTA supports SB 472. MMTA's Government Relations and Legal Counsel, Jamy Buchanan Madeja is always available to discuss any changes to the proposed legislation. Please feel free to contact her at 617-227-8410 or jmadeja@buchananassociates.com.

Sincerely,
Paul Nowak
Paul Nowak, President

Massachusetts Marine Trades Association

Cc: Senator Pacheco
Representative Calter
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Representative Ehrlich
Representative Haddad
Representative Kaufman
Representative Khan
Representative Kocot
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Representative Ryan
Representative Smizik
Representative Walsh
Senator Brady
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