



Industry growth through Collaboration, Communication and Education

August 31, 2017

Lowell City Council
375 Merrimack Street
2nd Floor, Room 50
Lowell, MA 01852

Re: Massachusetts Marine Trades Association's Comments on Proposed Ordinance to Ban Personal Watercraft on the Merrimack River

Dear Lowell City Council:

Please accept the comments below from the Massachusetts Marine Trades Association ("MMTA") to assist in your conduct of the upcoming public hearing on September 12, 2017, regarding a proposed Ordinance to ban personal watercraft on a segment of the Merrimack River. MMTA supports increased boater safety requirements, both statewide and locally, tailored to local waterways conditions. We also see outright bans of categories of waterway recreation as highly problematic, for the reasons below.

Established in 1964, MMTA is the statewide, non-profit, representative body for over 1,200 marine trades businesses in the Commonwealth, such as marinas, boatyards and boat dealerships. The mission of MMTA is to further the interests of the marine trades and the boating public through the promotion of boating, participation in legislation and professional improvement programs. We appreciate the opportunity to comment.

Please know MMTA is 110% supportive of boater safety and safe operation of all boats and water craft, whether one is in a recreational boat, a personal watercraft or another vessel. The recent tragic deaths of two people on the Merrimack River should not go unnoticed or unaddressed. It is our understanding that the proposed ban on personal watercraft in the City of Lowell segment only of the Merrimack River is partially in response to these terrible losses of life. It is not our place to decide who was responsible for these deaths. We do know that while the statewide Massachusetts record for boating safety is excellent, there are also locations of frequent conflict among users of a waterway and, sadly, instances of irresponsible behavior on the waterways.

These terrible losses of life bring urgency to addressing the conflicts which may occur often. In our experience, bans on the use of one category of watercraft is generally quite problematic, however, where general public access rights to navigate a waterway are present. This problem is especially acute where more refined operational controls expressly tailored to the local waterways conditions can be imposed instead of a ban. Speed restrictions, wake and time of

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operation restrictions, tidal condition requirements, marked navigation or usage channels – these are all frequently used with great success to better manage waterway safety. To our knowledge, these are also all options generally available to the City of Lowell even on only one stretch of the famed and beautiful Merrimac River. Banning watercraft entirely, even one category of watercraft, rarely withstands closer scrutiny (with the occasional exception of geographic areas of regulated environmental concern with record studies of the inability to protect the resource absent a ban).

MMTA also supports increased statewide educational requirements for boater safety education (including personal watercraft) and, of course, increased enforcement of both statewide and locally tailored laws. We recognize budgetary concerns often challenge law enforcement seeking to address all violations. However, banning all water craft operation, including safe operation, on public access waterways due to budget challenges is not an approach MMTA can support statewide.

MMTA is always available to discuss these comments or any other waterways matters. Please contact Jamy Buchanan Madeja, Esq., MMTA's Legal and Government Relations Counsel at 612-227-8410 or jmadeja@buchananassociates.com. And please accept our appreciation for your public service in addressing these serious concerns.

Respectfully Submitted,

Paul Nowak

Paul Nowak, President

Massachusetts Marine Trades Association