



Please Speak Out Now Regarding Proposed Army Corp Mooring Permit Changes

From the Desk of Jamy Buchanan Madeja, Esq., MMTA Government Relations & Legal Counsel

Ladies and Gentlemen, Men and Women of the Business of Boating, your tax dollars are again at work regulating how you operate. This is a single-issue ENEWS brief, about a subject critical to marinas and boatyards on the waterfront (changing Army Corps permitting requirements in detrimental ways). A link to the complete proposed revised permit and comment notice is as follows:
[Environmental_Monitor_Notice_12.10.2014.pdf](#) and [GPs_for_MA_draft_-_to_state_11-24-14.pdf](#)

Our apologies to those of you inland or in other businesses who may or may not have a moment to support your colleagues. **Please read the self-explanatory sample comment letter below and if at all possible, use this sample comment letter to email in a comment before December 31, 2014.** If you are worried about using your company letterhead to ask for a public hearing and be seen as "complaining to power", send it as an individual without identifying your business name. It is the numbers of comments seeking a hearing which matters, not which name you use. Thank you in advance, and see you January 14, 2015 at the annual Business of Boating at Marine Retail University Professional Development Conference!

[Company Letterhead or Individual Address - emailed comments accepted as well as mailed ones. Deadline is December 31, 2014 (seriously)]

CZM Director Bruce K. Carlisle

Robert L. Boeri, Project Review Coordinator

Massachusetts Office of Coastal Zone Management

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Re: United States Army Corps of Engineers Proposed Revised General Permit for Massachusetts, Federal Consistency Review

Dear Director Carlisle and Mr. Boeri:

Thank you for the opportunity to comment on the proposed reissuance of the United States Army Corps of Engineers (the "Army Corps") General Permit for Massachusetts ("General Permit").

I just recently learned changes had been discussed by state and federal agencies for nearly two years yet I didn't know anything about them until after the federal comment period was over. I also learned important changes were made since then to the proposed redraft - it is now Massachusetts-specific and lots of key language is different. Here are my main concerns:

- **I can't make sense of the language.** It needs lots of clarifying if I'm supposed to follow it. For example, am I supposed to apply to the Corps every single year for regularly scheduled maintenance on moorings? Am I supposed to pay for an ocean bed vegetative study each year or is that the Town's job? Does "previously authorized" mean my Chapter 91 license or my Harbormaster permit is prior authorization? What if my marina has been operating for many decades - aren't our facilities grandfathered?
- **A public hearing on the new language for Massachusetts should be held.** Having written comment only, and from December 10 to December 31 for something that lasts many years is not due process. This thing isn't supported by good data. Hold a public hearing and get some.
- This permit has **no reliable timeframes for a Corps decision** if I do apply. How can I schedule work and stay in business if I don't know when or whether I will be approved, even for mooring maintenance, for example? If I have to comply, the Corps should have to act in a specified period of time.
- I'm all for protecting the environment but **these so-called "environmental moorings" are not suitable or safe for many locations and are not actually better for the environment than traditional ones, either.** They

don't provide habitat (either the ones that hover in the tide or the ones which screw into the ocean floor); the traditional ball and chain and mushroom does provide habitat and allows eel grass to grow right over the chain off-season; and 3) the ocean sediment is acidic and erodes the ones which screw into the ocean floor requiring frequent removal which disrupts a much larger area than a traditional mooring. There wasn't any study of the environmental issues.

- *And all that doesn't even address **the safety issue**, where "synthetic rubber bands" get nicked by propellers and a boat breaks free causing massive environmental and property damage, or just isn't strong enough for full-season use (I hear only transient new "environmental" boat moorings have been tested, not the ones which stay in the water throughout the high winds and tidal events of the usual Massachusetts season. And I'm uncomfortable mixing the "environmental" moorings in the same field as traditional ones because they respond differently to tides and wind and it isn't safe. There wasn't any study of the safety issues.*
- *If I change out just a few moorings, I might have to change the whole nearby field, which is a massive expense (each one costs \$3-5,000, tough for an individual, and that's totally cost prohibitive for me as a small business owner). **There wasn't any study of that cost.***
- *With all these uncertainties about the new types of moorings, **it should at least be a local Harbormaster decision, not a federal one, what type of mooring is safe or appropriate.***

Please, hold a public hearing and delay implementation of this Massachusetts-specific Army Corps permit until we can get it clear and safe and cost-effective.

Sincerely,

NAME

Cc: Rep.SusanGifford@hou.state.ma.us

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