

May 3, 2013

Chairwoman Anne M. Gobi
Joint Committee on the Environment, Natural Resources and Agriculture
State House, Room 473F
Boston, MA 02133

MASSACHUSETTS
MARINE TRADES
ASSOCIATION



Chairman Marc R. Pacheco
Joint Committee on the Environment, Natural Resources and Agriculture
State House, Room 312B
Boston, MA 02133

RE: SB 394: An Act to revitalize the Commonwealth's waterfronts.

Dear Chairwoman Gobi, Chairman Pacheco and Committee Members:

Thank you for the opportunity to comment on SB 394, An Act to revitalize the Commonwealth's waterfronts.

I write both as an environmental attorney specializing in Massachusetts waterfront law and as legal counsel for the Massachusetts Marine Trades Association, a non-profit organization representing the business of boating in Massachusetts.

There remain many important wording details and intentions of this proposed statutory change that should require additional analysis and clarification, including particularly, the complex legal questions of:

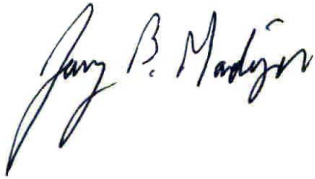
- Whether the bill involves permanently giving up public tidelands rights by redefining Commonwealth Tidelands or if it simply redefines how those rights are to be actualized; and
- Whether the constitutionality and practicalities of seeking to retroactively alter all previously issued Chapter 91 licenses.

The most salient point I respectfully make to this Committee is that the Commonwealth still badly needs to enhance and protect its waterfronts for actual water-dependent uses, both for maritime commerce purposes and for recreational boating. We are bleeding billions of dollars in revenues and hundreds of well-paid skilled labor jobs to neighboring states which handle sensibly than we do the many issues of waterfront development.

One of Chapter 91's most basic purposes is to support water-dependent uses on the waterfront, and it is not clear this bill would support water-dependent uses. That said, the Commonwealth also badly needs to revise the myriad planning and permitting processes to revitalize derelict waterfront spaces to allow for more mixed use developments, permitting co-existence of water dependent uses and non-water dependent uses. It is certainly possible to do both (revitalize waterfronts AND enhance water dependent uses) in a rational manner through a predictable permitting and licensing process.

I have great confidence in the bill's sponsor, Senator Petruccelli, and his staff's ability to work through issues which arise in this regard and may arise through this bills anticipated hearing process. Please accept my offer to join any working group which may form to assist in addressing the intentions of this bill; please contact either Tim Moll, President of MMTA or Jamy Buchanan Madeja, MMTA Legal and Government Relations Counsel at 612-227-8410 or jmadeja@buchananassociates.com.

Sincerely,



Jamy Buchanan Madeja, Esq., Government Relations and Legal Counsel, MMTA



Tim Moll, President, Massachusetts Marine Trades Association

Cc Anthony W. Petruccelli