

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. 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