

THE FRONT PAGE

News & Views You Can Use

The 2004 Maryland Horse Forum: *The Governor asked, and you delivered.*

Governor Robert Ehrlich asked that the horse industry hold a summit of community leaders, and that these leaders attempt to determine the goals and needs of the horse industry as it moves forward in the 21st Century. Critical to the success of this summit was that all aspects of the Maryland equestrian community be included, and not just the high profile racing interests.

The Governor asked Secretary of Agriculture, Lew Riley, to see that this summit was organized. Sec. Riley turned to the Maryland Horse Industry Board, our commodity board housed at MDA, to spearhead the organization.

Chairman Jim Steele and Executive Director Rob Burk assembled a strategic task force to organize the summit and, after the summit, to produce the report. In the interest of full disclosure, your *Equiery* publisher served on this committee.

Over 500 equine community leaders were invited to the Maryland Horse Forum, held on August 5, 2004. The Forum was open to any interested Maryland horse man or woman, as well as members of the press and the General Assembly. Over 250 of you attended, and you represented all the spectrums of our community, from trail riders to track leaders, from foxchasers to eventers to dressage riders and show jumpers. Just as importantly, equine-based businesses were fully represented, including tack and feed stores, stables, veterinarians, lenders, and farriers. You were joined by politicians, park managers and a variety of other officials.

Participants enjoyed lunch, courtesy of industry sponsors, and listened to remarks given by both the Secretary of Agriculture and the Governor. For more details about the Governor's visit to the Forum, please see the Maryland Horse Industry Board column on page 27.

You shared your thoughts in a variety of topic-based "break out" sessions: Value & Marketability, Legal Issues, Land Preservation, Economic Development, Educational Resources, Land Use, Promotion & Racing Facility Development, Promotion & Horse Park Development (non-racing), and Taxes.

Five hours later, session moderators had reams of paper documenting your concerns and hopes. The task force is now organizing these comments into a readable report, which will be followed by an executive summary for the Governor. All of this, upon completion, will be made available to the general public via the MHIB website.

In coming months, *The Equiery* will provide excerpts of the official reports. In the meantime, however, there were a few issues that struck your publisher as particularly interesting.

What does "Land Preservation" mean to you?

This topic was moderated by Charles Fenwick, Jr., a member of the Forum task force and the founder of one of the most impressive pieces of preservation in Maryland, Shawan Downs, which was accomplished not through government-funded preservation programs, such as MALPF, but through private donations.

What fascinated your publisher is that the term "land

preservation" apparently means completely different things to different people. "Preservation," along with the terms "green space," "conservation," and "smart growth," are current buzz words, casually tossed about with the assumption that everyone who uses those words means the same thing.

As the Forum planners, we assumed that discussion in this session would revolve around preserving land from development via public or private programs that buy or transfer development rights, giving landowners, particularly farmers, viable options (other than development) for maximizing the value of what is often their only asset. So much for assumptions.

It became quickly apparent that what we meant by "land preservation" is not necessarily what many horse people mean. For what seemed to be the majority of participants in this session, "land preservation" meant "preserving access to trails on public lands." In a post-session conversation about this confusion, a local horsewoman commented that "whether or not some farmer was able to preserve their farm meant nothing to her if she could not ride on it." We don't know if her perspective is necessarily shared by others, but as the majority of participants in the "Land Preservation" session continually returned to the topic of preserving access to trails (with an interesting side topic of ensuring maintenance of preserved land), it does beg the question.

Someone else speculated that, given the content of the session, maybe horse people really are not that concerned with the preservation of farmland.

We hope not. *The Equiery* believes this would be short sighted of horse people, but we do understand how the average horse person might feel disconnected from the value of farmland preservation if they do not perceive any immediate benefits. We will talk more about this in future issues of *The Equiery*.

In the meantime, we would like to hear from our readers: what does "land preservation" mean to you? Does it mean preserving private farmland from development, or does it mean preserving more land for public use, and preserving public access (such as trails) to that land? You can email, mail or fax your comments to *The Equiery* (*The Equiery* will accept written comments only, and you must include your name, address, and phone number).

Equine Limited Liability Laws

Continual hot topics are equine limited liability bills and the subject of assigning liability in court cases. More and more states are enacting equine limited liability legislation. Maryland, with its unique contributory negligence system which heavily favors stable owners, has not passed such legislation. Several attempts have been made in the last 12 years, but the Maryland legislature remains loathe to give a "special exception" to a "special interest" (on the presumption that, if they passed that for the horse industry, next in line would be water and snow sports, etc.).

There is also no clear agreement in the horse industry as to whether such a law would help or hurt the industry. Would such a law negate Maryland's 300 years of favor-

continued on the following page

able case precedent, as some argue? Or would such a law simply be a useful tool that would allow defendants to get summary judgments dismissing cases?

There is definitely a need to study the effect these laws have had in other states. Have they really lowered insurance premiums? We've read reports that they have and that they have not. Do insurance companies, on behalf of their clients, really attempt to get the cases resolved in court, or are they just continuing to settle, because the companies can calculate the costs of settlement, but cannot guarantee the costs of a juried court case (remember, insurance companies are about making a profit for their shareholders, not about determining right or wrong, so they will choose the option that guarantees the least amount of loss for their shareholders.)

What we, Maryland horse people need to know, is: have any other contributory neg-

ligence states enacted equine limited liability laws, and if so, how did these laws affect their legal systems?

There is a rumor that some insurance companies are refusing to ensure horse people in Maryland because Maryland lacks an equine limited liability law. We need to research the accuracy of this rumor, and perhaps this is something that needs to be brought before the Maryland Insurance Commission.

If it is the case that insurance companies are refusing to cover horse people who live in Maryland, and if this is deemed to be legal by the Maryland insurance commission, and if we can show proof that insurance rates have indeed dropped in other states with such laws, then there is a lot for Maryland leaders to consider.

In some states, equine limited liability laws have been rumored to have backfired, becoming instead a successful tool for plaintiffs. Maryland

leaders would have to carefully study the wording of these laws in other states and find out where and how the pitfalls occurred. It is not uncommon for well intentioned but poorly worded laws to have unintended consequences, and occasionally well meaning people get blinded by their own sincerity and enthusiasm. Before proceeding forward with any such legislation, it must be very carefully considered and crafted.

Attorney and stable owner Jane Seigler, a member of the Forum task force and a member of the Maryland Horse Council executive committee, is interested in any more information (documentable, not anecdotal) on this issue. It is clear that this research is going to take a combination of legal eagles and the professional resources they can provide. If you can help with the research, please contact her at jane@reddemeade.com or 301-421-9064.

Taxes

2004 House Bill 84, the so-called "Luxury Tax" bill that would have taxed a wide variety of services, including horse training and boarding, has Maryland horse people spooked and fearful that a similar bill will rear its ugly head again. It seems they have good reason to worry, as venerable institutions such as *The Washington Post*, have taken an editorial stand urging our Governor to institute taxes on services: "Many states tax some services, but Maryland taxes practically none. Once, that made little difference; today, as the state and national economies tilt increasingly toward services and away from goods, it is an unaffordable anachronism...to ignore that potential tax base...makes no sense."*

Stay Tuned...

While the task force plows through the material generated by the Forum and prepares its

Forum attendees trumpeted the value of an organization that can represent all Maryland horse people in Annapolis. Some assumed that the Maryland Horse Industry Board could do this, but because MHIB is under the auspices of the Department of Agriculture and seated by gubernatorial appointments, there are ethical restrictions against MHIB directly lobbying, although legislators can turn to MHIB as a resource.

The Maryland Horse Council is an umbrella association for all horse organizations in Maryland. It is independent and is structured to be able to lobby. If you turn to page 28 of this issue, you will see that virtually every Maryland horse organization is a member and has a seat on the MHC Board of Directors. The Horse Council represents over 50,000 of you. Some of MHC's achievements include:

- instigating and lobbying for the legislation that created the Maryland Horse Industry Board;
- instigating and lobbying for the passage of a funding source for the Maryland Horse Industry Board (the establishment of this funding source, known as "the feed fund," enables the Board to hire an Executive Director, which in turn allows the Board to do things like organize the Maryland Horse Forum);
- successfully fighting legislation that would have made illegal whips and spurs;
- successfully fighting "luxury tax" legislation;
- supporting legislation that made malicious cruelty to animals a felony.

**One Common
Interest—
The Horse**

**One Common
Voice—
The Maryland
Horse Council**

As a member of a national committee of State Horse Councils, MHC plays a crucial role in advising the American Horse Council on issues at the Federal level.

But the Horse Council is only as strong and as active as its least active member. The sad fact is that, although Maryland associations all agree in the value of having "one State voice," and thus renew their membership each year, many are members in name only and have yet to take an active role.

Of course, to a certain extent this is completely understandable. Each organization has to focus its energies on its core activities, primary mission and most immediate concerns, which sometimes leaves little energy or manpower for "big picture issues."

This is changing, however, albeit slowly. Over the last 10 years, the level of active involvement of association members has increased by almost 200%.

MHC also has membership categories for individuals and for the owners of businesses and farms, and these are some of MHC's most dedicated and active members, powering the organization forward, and helping maintain the connection between and communication to the associations. In the last three years, these membership categories have increased by 150%.

If you believe that "one voice" is beneficial to the Maryland equestrian community, then we urge you to become an active member of the Maryland Horse Council.

report and executive summary, *The Equiery* would like to hear your thoughts about the Forum. Please send your written comments to *The Equiery*, P.O. Box 610, Lisbon, MD 21765, FAX 410-489-7828, or email editor@equiery.com. Please be sure to include your full name, address, phone, and email address.

The Red Trail Closed At Fair Hill

In June, DNR Fair Hill Park Manager, Lt. Wayne Suydam, was forced to close six miles of novice trails after erosion caused by equestrians riding wet trails rendered them unusable. "The majority of trail riders are thinking about where they ride after it rains," explain Suydam, "but there are few who don't show any stewardship for the land, and they are ruining it for all." Known as "The Red Trail," it is located in the South East Corner of the 5,600 acre park, near Big Elk Chapel Roads and Gallaher Roads.

Suydam concedes that this old trail was not laid out very well from the start (perhaps predating DNR's ownership), and that it is in a low lying area. The past two years have been exceedingly wet, yet despite management's pleas that riders avoid wet trails, a few continue to ride it, expanding the trail from four to twenty feet wide with a two foot deep trench down the middle.

Suydam does intend to totally rebuild the trail back to a four foot wide "tread" (sometimes called a "single track" trail) with a deep bed of two inch stone topped with CR6, which will eventually work into the base. In the beginning, he

says, it will look like a stone trail and after a few years look completely natural, but be very solid.

Suydam estimates that it will take at least \$15,000 in materials to rebuild the Red Trail. He currently has about \$9,000 in materials ready to go, but lacks both the remaining \$6,000 of materials and the labor to rebuild the trail. The \$9,000 for the materials came from a TEA-21 Grant through the State Highway Administration.

"People think we have full time trail crews," says Suydam, "but we don't. We have two full time maintenance workers to take care of the entire 5,600 acres, including 100 miles of trails and 47 outbuildings. I can put maybe one guy on trail maintenance one or two days a week. But right now, we are putting our [human] resources towards repairing problem spots on the open trails."

Suydam is not sure when the Red Trail will be reopened. "I would like to get it open by next summer, but unless there is a large groundswell of volunteers, I am not sure how that is going to happen.

"If I had the luxury of closing wet trails, I would, but I can't. I have to rely on the common sense of riders," explains Suydam. When it is wet, he urges trail riders to stick to the old farm roads that wind through the property, the "double track" dirt or stone roads.

Fair Hill's 100 miles of trails attract over 50,000 horses each year. Trail riders are expected to abide by an honor system of \$3 per ride (\$4 for out-of-state residents); locked cash drop boxes are located in each of the five trail parking areas. Annual

passes are \$75 for instate residents, \$100 for out-of-state. Volunteers who donate a certain number of hours of labor can receive free passes.

Suydam notes that, ironically, despite the number of horses that visit Fair Hill, the mountain bikers donate more time to trail maintenance than the trail riders do. But he notes that he is starting to lose his mountain bikers, who are disgusted by the damage caused by the horses and tired of repairing the trails just to have the horse people destroy them again. If the mountain bikers saw more support from the horse people, he says, they might not be so discouraged.

To find out more, visit www.dnr.state.md.us/publiclands/central/fairhill or call Lt. Suydam at 410-398-1246.

Maryland Trails Receive Funding

The Maryland State Highway Administration recently announced its 2004 recreational trail grants. In addition to the \$9,000 awarded to Fair Hill for the Red Trail, funding was provided for trail projects in Howard County's Patapsco Valley Park (approximately \$80,000), Greenwell, Savage River, Greenbrier, Fort Frederick, Jefferson Patterson, Allegany County Wharf Branch, Appalachian Trail Conference, and Annapolis Hoofprints Park. It is unclear from documents provided by SHA which projects are for bridle trails.

Also receiving grants were Mid-Atlantic Off Road Enthusiast for a Rosaryville trail project.

Montgomery County Reaches Decision on Forest Conservation

Contributed by Pam Saul

The Montgomery County Council passed Bill 29-03 Forest Conservation-Equestrian Facilities on July 27. It had five amendments attached to it. The Montgomery Soil Conservation District and the Agricultural Advisory Council both opposed the amendments as restrictive and discriminatory against the Equine Industry. Their points were that horses had been added to the agricultural definition by the ZTA 03-21 in March, and were now being held to different standards than other agricultural endeavors.

The Council accepted four of the five amendments. The most restrictive, concerning having to apply the forest conservation law to, and require additional forest planting for, any stable, arena, show ring, paddock, or similar improvement, all of which are subject to sediment control requirements, didn't pass. This amendment would have made the law stricter for equestrian facilities than traditional agricultural activities by limiting forest clearing and requiring more forest retention.

This is the last portion of the original Zoning Text Amendment (ZTA: 03-21) adopted March 16, 2004 and effective April 5, 2004 that made changes to the standards affecting riding stables in the agricultural reserve and certain residential zones and more appropriately describes these facilities as "Equestrian facilities." ■

*In this Aug. 21 editorial, *The Washington Post* also urged Maryland to abandon what is an essentially flat tax on income (everyone pays 4.75% of their income, no matter what bracket they fall in) and to institute a "redistribution of wealth" system that taxes people at a higher and higher percentage rates as their income increases, starting the rate increases with individuals who make more than \$135,000 or couples who make more than \$200,000, going up to 6.6% for those making more than \$333,000, and exempting people in lower brackets from paying any taxes. The *Post* called this "progressive;" we call it "regressive." In this same editorial, the *Post* continued its opposition to slots.

IF YOU HAVE NEWS, VIEWS OR UPDATES TO CONTRIBUTE, PLEASE SEND THEM TO

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Be sure to include your full name, phone number and address. All submissions become the property of *The Equiery*.