

Committee on Resources

Witness Testimony

STATEMENT BY DERRICK CRANDALL, CO-CHAIRMAN, AMERICAN LEAGUE OF ANGLERS AND BOATERS, ON THE SPORTFISHING AND BOATING IMPROVEMENT ACT OF 1997 (HR 2973), PRESENTED TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES, SUBCOMMITTEE ON FISHERIES CONSERVATION, MARCH 3, 1998.

Mr. Chairman and distinguished Members, I am Derrick Crandall and I serve as Co-Chair of the American League of Anglers and Boaters Coalition (ALAB). ALAB is a national federation of more than thirty national and regional organizations with a shared interest in the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux program. Created in 1984, Wallop-Breaux has enhanced the boating and fishing experiences of tens of millions of Americans and improved the quality of America's surface waters through wetland restoration and reductions in discharges of human wastes into our waterways. ALAB takes great pride in these accomplishments because our organizations worked in partnership with the Congress in the development of the 1984 legislation establishing the program and have played a continuing, active role in the program's operation ever since. A listing of ALAB's members is attached to this testimony.

Over the first decade of Wallop-Breaux's operations, cooperative efforts among recreational boaters, state agencies and the U.S. Fish and Wildlife Service have dramatically improved access to America's public waters. This is especially important in light of increasing demand for recreational watersports and the opportunities created by water quality improvements in America's lakes, rivers and streams. Using 3:1 matching federal grants, Wallop/Breaux program partners accomplished the following between 1986 and 1993: built 1600 new public boat launching ramps and related facilities, including parking areas and restrooms; improved 9,700 public boat ramps; built 600 roads to open up access to public waters; installed directional signs for thousands of boating and fishing access sites; developed over 1,500 new fishing access sites; and acquired at least 170 properties and over 50,000 strategic acres to improve access to public waters. In addition, the program has had a clear and significant impact on boating safety, providing funding for state boating programs which have been key to reducing both fatalities and injuries associated with recreational boating even as the number of Americans enjoying time on our waters has climbed.

In 1992, the Wallop-Breaux program was amended to add a new emphasis on wetlands restoration. A new revenue source -- the federal excise tax on fuels used in lawnmowers, chainsaws, snowblowers and other small-engine items -- was approved by the Congress. Approximately \$50 million per year is now invested in this wetlands effort, yielding positive results for water quality and fisheries.

We are pleased to appear today in strong support of the Sportfishing and Boating Improvement Act of 1997 (HR 2973) and with praise for those in the Congress who have shown continuing interest in the Wallop-Breaux program, including the chairman. It embodies a very large portion of the ALAB Consensus Recommendation, crafted through months of discussions among boating and fishing organizations, state and federal agency representatives and Congressional staffers. The consensus was developed to continue the involvement of this tremendously successful program as public needs and opportunities shift. Our Consensus includes the following:

1. continuation and expansion of federal assistance to state boating safety programs using federal motorboat fuel taxes as a vital step in reducing injuries and deaths arising from recreational boating activity. ALAB supports assured annual funding in the amount of \$70 million plus recommends an additional \$5 million in earmarked for specified recreational boating safety programs of the U.S. Coast Guard.
2. continuation of federal excise taxes on fuel used in recreational boats and small engine devices such as lawnmowers, chainsaws and snowblowers, and a transfer of those taxes from the Highway Trust Fund to the Aquatic Resources Trust Fund for the purposes set forth in the legislation now governing that fund. Further, ALAB supports the return of the 2.5 cents per gallon in federal motorboat fuel excise tax imposed in 1990 credited to general revenues and specifically excluded when the Reconciliation Act of 1993 restored the comparable tax on motorfuels used in cars to a deposit into the Highway Trust Fund as well as the 4.3 cents per gallon motorfuel tax previously deposited to the general fund but transferred to the Highway Trust Fund as part of the Balanced Budget Agreement of August 1997. These wrongly withheld user fees represent some \$80 million annually which should be transferred to the Aquatic Resources Trust Fund.
3. an extension and expansion of the Clean Vessel Act. We urge that the Congress increase this program from the current level to provide \$10 million annually for grants for marine sanitation device pump-out projects; \$10 million for services and facilities aiding non-trailerable recreational boats; and an additional sum reflecting moneys available for appropriation for grants to states for boating safety programs but which go unappropriated and thus "roll-over" to the Sport Fish Restoration Account.
4. new authorizations to the Fish and Wildlife Service and to the states to expend monies available under the Sport Fish Restoration Account for outreach programs. Specifically, ALAB believes that the Secretary of the Interior should develop, in cooperation with the Sport Fishing and Boating Partnership Council, an outreach plan to improve communications with boaters, anglers and the general public regarding boating and angling opportunities, to reduce barriers to participation in these activities, to promote adoption of sound boating and fishing ethics, to further safety in boating and fishing and to improve understanding of the nation's aquatic resources. Upon completion of the plan, the Secretary should expend \$10 million annually to implement this plan. Further, each state receiving Sportfish Restoration Account funds should prepare an outreach plan covering the same areas as above and then utilize up to 15% of apportioned funds to implement these plans and for aquatic resources education programs.
5. additional direction to the U.S. Fish and Wildlife Service regarding use of Sportfish Restoration Account funds for administration and related purposes. Specifically, the following principles should apply:

Principle #1: Use of funds for administrative purposes must be fully documented and for those activities of the agency which are directly connected to the Sportfish Restoration Account grant program, including state project and program review and approval, compliance and accomplishments reporting and general assistance to state sportfishing programs. Funds should not normally be used for any other purposes and, if so used, such use should be justified and documented in reports to the Congress and the public. Specifically, funding for traditional agency ongoing operations, including hatchery and refuge operations and management, should not be undertaken with these funds.

Principle #2: Use of funds for grants-in-aid to states, non-profit organizations and other eligible

organizations must be for purposes directly connected to the purposes of the Sportfish Restoration Account, including sportfisheries restoration, improved access for boating and sportfishing, reduction of water pollution associated with recreational boating, providing information regarding sportfishing and boating opportunities and programs designed to increase participation in boating and sportfishing, especially among segments of the population which are traditionally under-represented among sportfishermen and boaters.

Principle #3: All decisions regarding use of administrative funds for grants should be made in an open process in which all proposals for funding are reviewed by individuals or organizations with expertise regarding the Sportfish Restoration Account purpose(s) the proposal seeks to accomplish. All decisions on funding shall be made by the Director of the Fish and Wildlife Service and all should be made public.

Principle #4: The Fish and Wildlife Service must regard the 6% allowable deduction as a ceiling for its deductions from the fund, and not as a fixed amount automatically available for its use for administration and grants.

6. similar direction to the U.S. Coast Guard regarding funds used to administer the Boating Safety Account and further supports a requirement that funding for that agency made available through appropriations from the Aquatic Resources Trust Fund be specifically accounted for to the Congress and the public.
7. an increase in the required expenditure of Sportfish Restoration Account on boating access projects from the current level of not less than 12.5% of the funds apportioned to each state under the SFR program annually (with both regional and five-year averaging provisions) to a new level of not less than 15% of such funds, again with regional and five-year provisions.

The legislation before you would accomplish ALAB's recommendations except for the requested guarantee of funding for state boating safety grants and the recovery of the lost motorfuel excise taxes. We urge the Committee on Resources to revise the legislation before you to address these issues. Specifically, we urge incorporation of language parallel to that contained in legislation developed by the Senate Commerce Committee leadership for incorporation into S. 1173 regarding boating safety. Under this provision, discretionary, annual appropriations authority for boating safety grants is increased to \$70 million. If full appropriations are not made in any year, current law provides for unappropriated funds to roll-over into the Sportfish Restoration Account. Funds in this account are covered under an automatic and continuing appropriations provision and are apportioned and made available to the states without further Congressional action. The Senate provision does not change the amount of spending from this account, but simply redirects a portion of the unappropriated boating safety moneys to the states for boating safety program use. This provision has been reviewed by the Congressional Budget Office and judged as having no scoring consequences.

We further invite the Committee's assistance in overcoming the unfair diversion of boater fuel taxes. Recovery of the "lost" 6.8 cents per gallon on every gallon used in recreational boating would have tremendously positive consequences for Americans who enjoy time on and near America's waterways as well as for our aquatic resources. We thank the large numbers of Members who have joined to introduce and support HR 2973 as well as the Committee for its prompt attention to this important piece of legislation. Your actions will help to make sure that the Aquatic Resources Trust Fund delivers a continuing string of successes to America as we enter the Twenty-First Century. America's 75 million boaters and 75 million

anglers are grateful for your support.

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