

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

Personal Watercraft Written Testimony to the Subcommittee on
Fisheries Conservation, Wildlife and Oceans for the Coastal Zone Management Act

Submitted by Tom Fote, Jersey Coast Anglers Association representative to
Barnegat Bay Watershed Association, Ocean County, New Jersey

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Current Personal Watercraft (PWC) definitions:

A personal watercraft is a Class A power vessel designed to a) be operated from a sitting, standing or kneeling position, b) equipped with an internal combustion engine that powers a water jet pump, and c) cannot be operated to disengage the pump to prevent the vessel from making headway. (New Jersey State Police 1996)

Personal watercraft means a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft. (Wisconsin)

Needs Assessment:

There is a strong need for federally mandated uses of the approximately one million personal watercraft (PWC) that ride upon United States waterways. Manufacturers estimate that about 200,000 PWC are sold each year. At this time, at least half of the states in this country have some form of proposed or disputed restriction or guideline for the use of PWC. This is a growing problem that needs to be addressed federally. (Issues and Problems Associated with Personal Watercraft in Barnegat Bay, Page 11 provides a brief list of states with restricted area uses. See attached.)

Each region should not have to defend its ecosystem separately to regulate the documented misuses of PWC. With federal mandated guidelines, each state could modify the guidelines to fit the needs of that particular region and water body. Region after region are going through the same or similar processes with the local legislators to try and find a suitable definition and constitutionally correct controls for these crafts. In Barnegat Bay, Ocean County, New Jersey, the Barnegat Bay Watershed Association has been working in conjunction with several groups to negotiate with local and state legislators and state agencies, including the

NJ Boat Regulatory Commission, to define and identify key areas of concern regarding PWC.

The 1993 A Watershed Management Plan for Barnegat Bay included 12 Action Plan items to address PWC. These action items included, increasing the presence of NJ Marine Law Enforcement Officers on Barnegat Bay during the peak boating season, posting no wake zones where vessel wakes are documented to be causing erosion of natural shorelines, identifying special use areas, and improving public awareness of existing vessel speed and operation regulations. These types of actions are applicable on a federal level.

Attached is an August 7, 1998 letter prepared by BBWA to Governor Christine T. Whitman of New Jersey identifying seven recommendations for personal and environmental safety and responsibility by users of PWC. There is also a research paper entitled Issues and Problems Associated with Personal Watercraft in Barnegat Bay by Melissa R. Chin that details environmental concerns of operating PWC. We urge Congress to review the attached documents and work toward creating federal guidelines for the following issues:

* **ENVIRONMENT**: Restricting shallow water uses in sensitive habitats. It is documented that by operating a PWC in shallow waters, bottom sediments can be stirred up, this in turn suspends the sediments and decreases light penetration and oxygen to aquatic life. Operating PWC close to shore, near colonial waterbird nesting sites disturbs the birds, causing them to fly away from the nests and exposing the eggs to increased amounts of harsh sun rays and also leaving them wide open to predation. (See attached study by Joanna Burger, Ph.D., entitled Effects of Personal Watercraft on Nesting Common Terns.) Peak use of PWCs corresponds temporally with the nesting season for a variety of colonial waterbirds that nest in Barnegat Bay as well as other NJ estuaries.

* **EDUCATION**: Broaden boater education and curriculum for PWC users.

* **ENFORCEMENT**: Increasing funding for enforcement agents to patrol the waterways seeking abuses by PWC. Encourage local law enforcement officers to assist in enforcement of navigation regulations within their respective jurisdictions. If all states required licenses and those licenses were treated like automobile privileges, such as fining those without a license and confiscating the vessel of those operating PWC without a license, PWC problems would be greatly diminished. A harsher penalty, such as paying to have the vessel towed to be confiscated, and regular enforcement will ensure the safe and appropriate uses of PWC by licensed users and owners.

PWC Facts:

This is not an attempt to single out one particular waterway user, as we all need to be responsible on our waterways. But recreational boaters have been navigating US waterways for hundreds of years, PWC are a new phenomenon that contribute to approximately 1/3 of new recreational boat sales in the United States.

While recreational boating fatalities overall have decreased, PWC fatalities have increased from 20 per year in 1988 to 83 per year in 1997 (National Transportation Safety Board - Safety Study, PWC Safety Report 1998). In 1997 four out of ten accidents on the water involved PWC operation. The primary reason given for this trend is inexperience, inattention, and use of excessive speed. The overall average age of the victims in the accidents ranges from the teens to mid thirties, yet the average age of the owners is in the early forties. This indicates that the owners and users are different audiences. These statistics and facts lend themselves to strengthening the need for more education and enforcement. Forty percent of all boating accidents include PWC. These crafts can go into extremely low waters, effecting the sea grasses and juvenile fish while disturbing nesting birds. PWC engines operate differently than inboard or outboard motors. PWC operators tend not to drive in a linear fashion which contributes to the problems. (See attached 9/2/98 aerial photograph.)

Conclusion:

It is clear that this is a growing national issue. Congress can begin by focusing its attention on the coastal zone, by strengthening the laws controlling PWC in environmentally sensitive coastal areas. However, the problems are not isolated in the coastal areas, as many inland freshwater lakes and rivers are encountering the same types of concerns. For the safety of the users, other boaters, and for environmental sensitivity, we urge Congress to focus on this issue by synthesizing all state initiatives into one guiding piece of legislation which every state can implement to meet their needs.

Thomas P. Fote
22 Cruiser Court
Toms River, NJ 08753
732-270-9102

Organizations Represented:

Jersey Coast Anglers Association, Barnegat Bay Watershed Association, NJ State Federation of Sportsmen's Clubs

Education:

Trained as an officer for the US Army Corp of Engineers, currently retired

M.B.A., Hofstra University

Workshop, seminars and public hearings on a variety of marine topics

Volunteer Experience:

Governor's Appointee to Atlantic States Marine Fisheries Commission, Chairman of the Habitat Committee

NJ Marine Fisheries Council

Barnegat Bay Management Plan

Board of Directors, Barnegat Bay Watershed Association

President, Vice-President, Legislative Chairman, Fisheries Management Chairman, Environmental Committee

Chairman, Jersey Coast Anglers Association

Legislative Chairman, Board of Directors, NJ State Federation of Sportsmen's Clubs

Citizen's Advisory Committee, Management Committee, Policy Committee, Barnegat Bay Estuary Program

Jersey Coast Anglers Association receives no federal or state money. Barnegat Bay Watershed Association does have some federal grants. Barnegat Bay Estuary Program is funded through the Environmental Protection Agency. I do not personally receive any salary from any of these organizations but do receive travel and other expenses.

I have spent the last thirty years as a volunteer with many organizations whose goals are the protection and conservation of the marine resources.

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