

**Twenty-five Years of Providing
Access for Boaters:**

**An Assessment of the
BOATING ACCESS PROVISIONS OF
THE SPORT FISH RESTORATION
PROGRAM, 1984 – 2009**



**Sport Fishing and Boating
Partnership Council**



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SPORT FISHING AND BOATING PARTNERSHIP COUNCIL

Twenty-Five Years of Providing Access for Boaters:

**AN ASSESSMENT OF THE BOATING ACCESS PROVISIONS OF THE
SPORT FISH RESTORATION PROGRAM, 1984–2009**

A Report of the Sport Fishing and Boating Partnership Council

Report Prepared by the SFR Boating Access Assessment Subcommittee

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The assessment was conducted under the auspices of the Sport Fishing and Boating Partnership Council chaired by Ryck Lydecker.



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FORWARD

As any boater or angler can tell you, access means everything if you want to get on the water. A quarter of a century ago, far-sighted leaders in the conservation and boating arenas recognized the inherent connection between getting people onto the water and the conservation of fishery resources. Teaming up with progressive legislative leaders of that era, they developed landmark amendments to the Sport Fish Restoration Program which, for the first time, provided dedicated funding for developing boating access opportunities in the United States and its territories. These Wallop-Breaux amendments (named after their Congressional sponsors) set into motion an unprecedented level of marina and boat ramp construction and renovation, thereby providing new opportunities for the American public to enjoy the abundant fishing and boating opportunities of the nation. Consequently, with approximately two-thirds of boaters using their boats for fishing, America's front line conservationists—recreational anglers—as well as general recreational boaters, now have more and better boating access facilities.

Recognizing that maintaining the relevance of any program of this age requires periodic re-evaluation and introspection, in 2008 the acting Director of the U.S. Fish and Wildlife Service requested that the Sport Fishing and Boating Partnership Council review the boating access provisions of the Sport Fish Restoration Program “to ensure that it continues to provide maximum benefits to our fishing and boating stakeholders.” Irrefutably, the Sport Fish Restoration boating access program has met its intended purposes and more. As with any program, some modifications will be necessary to maintain its relevance in the ever-changing social and demographic environment of the nation.

Perhaps surprisingly, many of the policies and practices used to implement this program over the past twenty-five years remain as relevant today as when they were put into place. However, with the lack of a comprehensive accomplishment reporting system and inventory of access project sites to help the public and policy makers identify exact project locations and details, the program is weak in “telling its story” and helping boaters take full advantage of the investments that they have made.

In rare circumstances, the combination of relative scarcity of water suitable for power boats and ample financial resources to develop those sites that are available has resulted in some states being close to achieving complete development of boating access facilities as allowed under current program guidelines. In other states, high user demand is straining the state's ability to meet the needs of recreational boaters. Both of these situations may be alleviated by re-evaluating the guidelines for activities eligible for funding, to help users implement unique and innovative projects while maintaining fidelity to the original intent of the program.

Some of the recommendations in this assessment mirror those of earlier assessments of the *Boating Infrastructure Grant* program and the *Clean Vessel Act Grant* program. These include the aforementioned need for a comprehensive accomplishment reporting system and inventory of project sites; constraints facing states with large tracts of federal lands



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and waters restricting their ability to fully utilize their funds; and the need to complete the recreational boating needs assessment as mandated in the *1998 Sportfishing and Boating Safety Act*. The universal nature of these recommendations across three highly important boating-related programs emphasizes the need for action to address them.

The recreational boating public, which funds the Sport Fish Restoration boating access program through taxes paid on gasoline they use, can be proud of the accomplishments of the past twenty-five years. This program is well positioned to continue building on its success, and with minor adjustments to meet modern demands, will be even more ready to serve the needs of the American boating public in the coming decades.

John Sprague

Chairman, SFR Boating Access Review Subcommittee
Sport Fishing and Boating Partnership Council



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EXECUTIVE SUMMARY

In 1984, a landmark expansion of the Sport Fish Restoration (SFR) Program was signed into law that set in motion unprecedented improvements to recreational boating access across the United States. These new provisions (collectively named the Wallop-Breaux amendments after their Congressional sponsors) capture the portion of the federal tax on gasoline attributable to recreational boating and distribute the funds to state agencies for the development or renovation of facilities that improve the accessibility of waters to recreational boaters.

In 2008, acting director of the U.S. Fish and Wildlife Service (Service) Rowan Gould requested that the Sport Fishing and Boating Partnership Council (Council) undertake an assessment of the boating access provisions of the Federal Aid in Sport Fish Restoration Program “...to ensure that it continues to provide maximum benefits to our fishing and boating stakeholders.” The Council formed an 11-member subcommittee for this purpose, which included members from state agencies and key boating-related constituencies as well as others knowledgeable about boating access programs and needs. During 2008–2010, this Assessment Subcommittee worked closely with state agencies and Service personnel from around the country to assess the effectiveness of the program using the following guidelines:

- Is the program meeting its legislative intent?
- How well is the program performing?
- Are there redundancies in the program (what does it do that it might not need to do)?
- Are there deficiencies in the program (what should it be doing that it currently is not)?

This report details the results of that assessment.

Effectiveness of the Program » pg 10

CURRENT PROGRAM

At current funding levels, approximately \$60 million of state apportionments of SFR funds (on average) is invested annually in developing or enhancing access facilities for power boats (15% of all apportionments). Additional funds comprising the state and local required match (25%) and other funds are also being applied toward improving the accessibility to recreational boating opportunities for the American public. The two most prevalent areas where boating access funds are being invested are “construction of launching facilities” (93% of states) and “vehicle parking for launch or marina facilities” (91% of states), clearly projects that provide or enhance access for recreational boaters.

FINDING: Overall, the SFR boating access program is meeting its intended purpose of providing enhanced recreational boating access to waters of the United States, although state-specific or region-specific needs still exist.

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FUTURE NEEDS

Seventy-two percent of state personnel felt that the 15% SFR boating allocation was sufficient to meet the future needs of power boat access in their state. This should not overshadow the fact that, in some states, funding shortfalls may be extremely detrimental to meeting the demands of the recreational boating constituents in those states. Some states are facing very real and serious demands on their boating access system that are not being met under current funding or program resources and in some instances cannot be met by SFR access funds alone.

Based on the input received during the assessment, constituent groups along with state and federal managers feel strongly that the user pay/user benefit concept that is the foundation of the SFR program should be maintained and enhanced to keep this program strong in the future.

FINDING: There is strong support from federal and state agencies and constituent groups for the “user pay/user benefit” concept. User pay/user benefit should be maintained as a core element of this program.

USFWS Program Administration » pg 12

Based on the input from state agency personnel and Service regional boating access grant specialists, the administrative mechanisms appear to be working well, although minor improvements can be made. No Service personnel felt that there was a “high need” for additional guidance to assist them in implementing this program. State personnel generally felt that their interactions with Service personnel were helpful to implementation of the program at the state level. However, based on the responses of Service and state personnel, additional program guidance is needed in several areas.

FINDING: With few exceptions, administrative mechanisms seem to be functioning adequately.

RECOMMENDATION 1: U.S. Fish and Service guidance on program implementation is generally adequate, but needs to:

- Be more consistent in the guidance provided to individual states, and
- Ensure that changes in program rules, regulations, and guidance are communicated effectively from the Service’s Washington office to its regional program administrators and from the regional offices to state agencies on specific items such as dredging projects, projects focused on electric powered boats, and eligibility of funds for maintenance of Land and Water Conservation Fund projects.

REGIONAL AVERAGING

Regional averaging—a practice that allows states within a single Service region to calculate their mandated 15% SFR boating allocation as a regional average over five years instead of as a state-by-state average annually—has been a positive element in assisting states to develop boating access projects under the program guidelines. While

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this has generally worked well since it was first implemented, opportunities may exist to enhance its application to assist states in fully utilizing their funds.

FINDING: Regional averaging is a positive element of the SFR boating access funding administration, allowing states flexibility in investing their boating access dollars.

RECOMMENDATION 2: The Service should convene a working group of state agencies to investigate the desirability and feasibility of calculating the five-year regional average expenditure on a rolling basis as opposed to the current fixed period basis.

State Implementation » pg 16

FUNDING ISSUES

More than $\frac{2}{3}$ of the states have had some difficulties spending their full 15% SFR boating access allocations at least once in the past five years, even though SFR boating access needs still exist. Most of the time, this is not due to the lack of projects, but rather lack of a non-federal match, state budget and personnel constraints, lack of available land or water for eligible boating facilities, and other reasons.

FINDING: Most states have had some difficulties spending the full 15% SFR boating access allocation at least once in the past five years.

FINDING: Most states are adequately providing the required non-federal match for boating access projects. However, some states are having difficulty meeting their match requirements.

RECOMMENDATION 3: The Service and states should explore more innovative solutions to assist states in developing non-federal matching funds to meet new boater demands. These should include fostering partnerships with local communities and the private sector to provide match, and developing projects and training/mentoring for state personnel and Service personnel on innovative match solutions. The Service should request the assistance of states and other partners in developing a publication on innovative matching solutions, best outreach practices, and partnering with local communities.

Another issue that has precluded the full development of recreational boating opportunities in some states is the federal ownership of land surrounding bodies of water. Fees collected by concessionaires on these lands may be considered federal funds and therefore are ineligible to be applied as part of the 25% non-federal match required for SFR boating access projects.

FINDING: Some states are not fully meeting the demand for boating access because of difficulty investing their entire 15% SFR boating access allocation due to large tracts of federal land bordering waters suitable for power boat access.



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RECOMMENDATION 4: The Assessment Subcommittee recommends the following:

- a. The Service, in cooperation with the Sport Fishing and Boating Partnership Council, investigate the issue of allowing user fees generated on federal lands (under authority of the *Federal Lands Recreation Enhancement Act*) to be used as the required match for projects funded under the *Sport Fish Restoration Act*.
- b. The Service and states investigate potential changes to the requirements of non-federal matching funds for limited application to facilitate a state's expenditure of SFR boating access funds where large tracts of federal land ownership may be impeding their full expenditure.

PERMITTING ISSUES

In general, acquisition of permits does not seem to be a significant problem impeding boating access projects. Seventy-one percent (32) of state respondents indicated that permits had not caused significant delays or problems. Additionally, most Service regional grant administrators felt that there were no “significant” delays in grant processing caused by the need to acquire certain permits. Information was not available to indicate in what areas (e.g., marine or inland projects, etc.) permits may be more problematic, but the relative “lack of problems” may be a function of state program coordinators having become adept at requiring that project managers address permitting issues before the project is sent to the Service, and may not reflect the true complexity and cost of permitting issues within state agencies.

FINDING: In general, acquisition of permits does not seem to be a significant problem impeding boating access projects, which may be a result of the substantial resources that state agencies have invested in staff to address permits throughout the process.

Project Limitations » pg 20

ELECTRIC MOTORS

Many state and Service personnel have commonly thought of projects on waters restricted to “electric motors only” to be ineligible for funding from the 15% allocation. Contrary to these perceptions, the Washington office of the Wildlife and Sport Fish Restoration Program recently rendered an opinion, supported by an assessment of the current regulations and enabling legislation, that electric-motor-only projects are indeed eligible for funding under the 15% SFR boating access funds. The perceived inability to use funds on sites restricted to “electric motors only” may hinder projects in areas where waters are increasingly becoming off-limits to traditional gasoline-powered boats. “Electric outboard motors” are subject to a 3% excise tax, which is deposited into the Sport Fish Restoration and Boating Trust Fund.

FINDING: There is a perception by many state agency personnel and Service regional program coordinators that projects primarily benefiting electric-powered boats are ineligible for funding under the 15% SFR boating access allocation. Some states are having, or are predicting, difficulty spending their entire 15% allocation due to lack of

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water suitable for power boating (and full development of facilities on those waters that do exist) or increased restrictions on power boat use (but allowed use for electric motors), thereby missing opportunities to provide needed boating access facilities.

RECOMMENDATION 5: Recognizing that the strength and integrity of the Sport Fish Restoration Program is anchored in the user pay/user benefit concept, the Assessment Subcommittee recommends:

- a. That the Service's Washington office of the Wildlife and Sport Fish Restoration Program clarify the eligibility of the use of SFR 15% boating access funding for projects benefiting primarily electric-powered boats, and communicate that clearly to the regions and states. Such clarification must include whether the guidance pertains to electric outboard motors, electric inboard motors, or both.
- b. That the definition of "power boats" in the Service's administrative manual chapter for this program be clarified to include electric powered boats so that projects on lakes or reservoirs with "electric-motor-only" restrictions can be eligible for funding.
- c. That manufacturers of boats powered by electric inboard motors as well as manufacturers of non-motorized canoes, kayaks, drift boats, and other paddle craft consider means to contribute to the Sport Fish Restoration Program in order to develop access facilities that are specially designed and built to serve users of those products.

ELIGIBLE ACTIVITIES

The list of activities eligible for funding under the SFR boating access program was initially developed shortly after the 1984 legislation. While some revisions/clarifications have periodically been made, adapting to the changing needs of recreational boaters should be an ongoing process. Eleven of 12 Service regional personnel who responded to a questionnaire indicated that they used a 2004 memo from the director of the Service that clarified the eligible activities as important guidance for evaluating the eligibility of projects. Re-evaluating this list and perhaps allowing some types of projects that are currently not allowed would address changing boating access needs as well as alleviate some restrictions preventing states from fully using their allocation to meet the real needs of boaters.

FINDING: Some states are facing full development of their available boating access sites and the inability to utilize their full boating access allocation, leaving some boating access needs unfulfilled. The list of activities eligible for funding initially developed after the 1984 legislation may be restricting the funding of legitimate projects and contributing to these spending issues.

RECOMMENDATION 6: In cooperation with the states and other partners, the Service should review the list of eligible activities to recognize, encourage, and promote more innovative projects that contribute to the SFR boating access program objectives of providing enhanced recreational boating access to waters of the United States and meeting the demands of modern boating.

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Reporting Accomplishments and Future Needs » pg 22

ACCOMPLISHMENTS

A significant finding of this assessment is that a majority of states do not have an electronic “accomplishments reporting system” in place. This not only hinders the ability of recreational boaters to identify access sites constructed through the SFR program, but also precludes the development of a national level “accomplishments reporting system” that can allow policy makers and constituent groups to comprehensively identify specific tangible project attributes and locations funded under this program.

FINDING: The majority of states do not have an electronic “accomplishments reporting system” in place.

RECOMMENDATION 7: The Service should:

- a. In collaboration with state agencies and boating access partners, initiate an effort to develop a template of core, consistent program reporting elements for national level program accomplishments (location, ramps built, maintained, parking, etc.)
- b. Consider creating a standardized online application and final reporting mechanism that would allow for easier review of standardized materials at the federal level.

NEEDS ASSESSMENT

Compounding the difficulty of comprehensively assessing nationwide accomplishments is the lack of information on future needs of recreational boaters. An inventory and needs assessment that complement each other would allow state agency personnel, the Service, policy makers, and constituent groups to help plan for the fiscal and infrastructure needs to serve recreational boaters in the future. Such a needs assessment was mandated in the *1998 Sportfishing and Boating Safety Act* but does not yet exist.

FINDING: A national-level public boat access needs assessment as prescribed in the *1998 Sport Fishing and Boating Safety Act* does not exist.

RECOMMENDATION 8: The Service should complete the national-level public boat access needs assessment as prescribed in the *1998 Sportfishing and Boating Safety Act*.

Summary

The SFR boating access program has served the needs of the recreational boating community well for the past 25 years. With minor adjustments, the success will continue well into the next 25 years. Full findings and details of these recommendations are found in the report. The Assessment Subcommittee recognizes that some of these recommendations may be affected by the “policy manual” chapter that the Service is developing to provide guidance on boating access, and encourages the Service to consider the recommendations herein in future revisions to this chapter.



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WHAT IS THE SFR BOATING ACCESS PROGRAM?

In 1984, following more than a decade of attempts by the recreational boating sector to improve federal funding for recreational boating access facilities, an expansion of the Sport Fish Restoration (SFR) Program was signed into law that set in motion unprecedented improvements to recreational boating access across the United States. This expansion, commonly referred to as the Wallop-Breaux amendments after its Congressional sponsors, remained true to the concept of user pay/user benefit embodied in the SFR program. Key provisions of the legislation capture the portion of the tax on gasoline attributable to recreational boating and distribute those funds to state agencies to benefit recreational boaters. One of these provisions guaranteed that at least 10% (later raised to 15%) of each state's apportionment under this act would be invested in "acquisition, development, renovation or improvement of facilities that create or add to public access to waters of the United States to improve the suitability of such waters for recreational boating purposes."

Twenty-five years after initiation of this visionary program, thousands of boat ramps, marinas, and other infrastructure serving the needs of recreational boaters have been developed or improved across the states and territories receiving these funds. Nearly \$60 million each year is now made available to states and territories for enhancing access to public waterways for recreational boaters. Participation in recreational boating is near an all-time high, with an estimated 70.1 million adult boaters in 2008¹. However, as with any program that has operated for nearly a quarter of a century, some improvements may be needed to carry it into the future. This programmatic assessment is intended to identify areas of the boating access provisions of SFR that have worked well and facets of the program that can be improved to continue the highly successful record of accomplishments that the SFR boating access program has established.

Funding Provisions of Sport Fish Restoration

The SFR Program, and the boating access provisions contained within, rely on a user pay/user benefit model (Figure 1). Through an excise tax on products that they purchase and gasoline used in their boats, anglers, boaters, and businesses pay into the Sport Fishing and Boating Trust Fund, which provides revenue to support the programs that benefit them in the form of better fishing and boating access opportunities. The user pay/user benefit model was the foundation for the original legislation passed in 1950 and was retained in the 1984 expansion that brought in the revenues from the federal gasoline taxes that recreational boaters pay. At present, approximately 59% of the Sport Fish Restoration and Boating Trust Fund revenues are generated through the collection of gasoline taxes paid by recreational boaters (Figure 2). The U.S. Fish and Wildlife Service (Service) administers the program with state agencies generally responsible for on-the-ground project implementation.

¹ National Marine Manufacturers' Association. 2009. 2008 Recreational boating statistical abstract. Chicago, IL.



PHOTO CREDIT: ANDREW LOFTUS

Figure 1. Cycle of the user-pay/user-benefit foundation of the Sport Fish Restoration Program

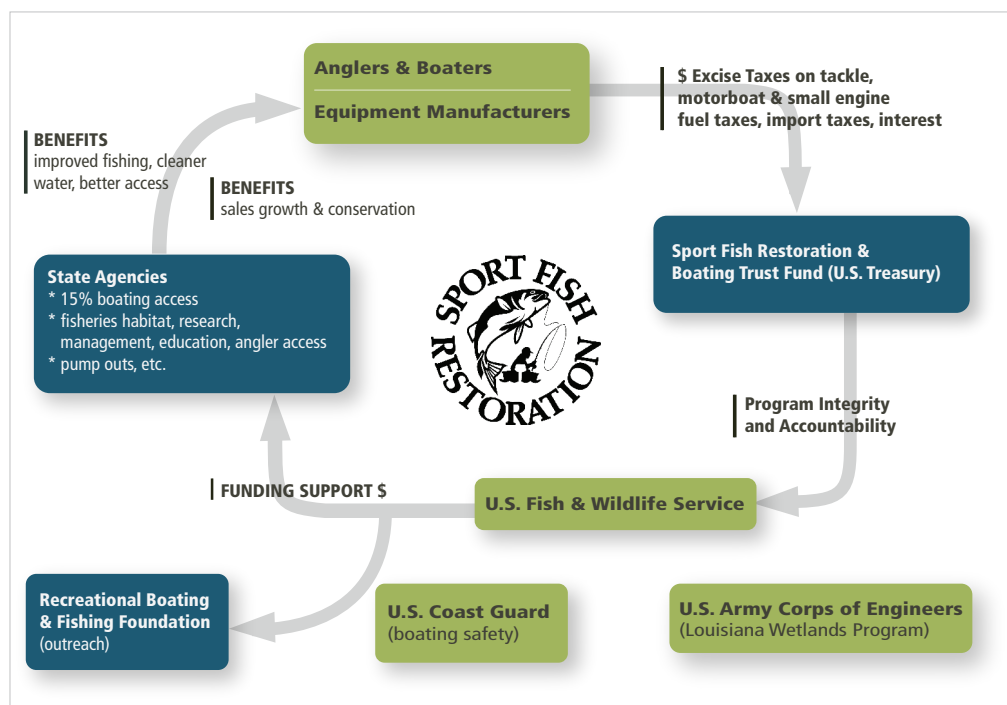
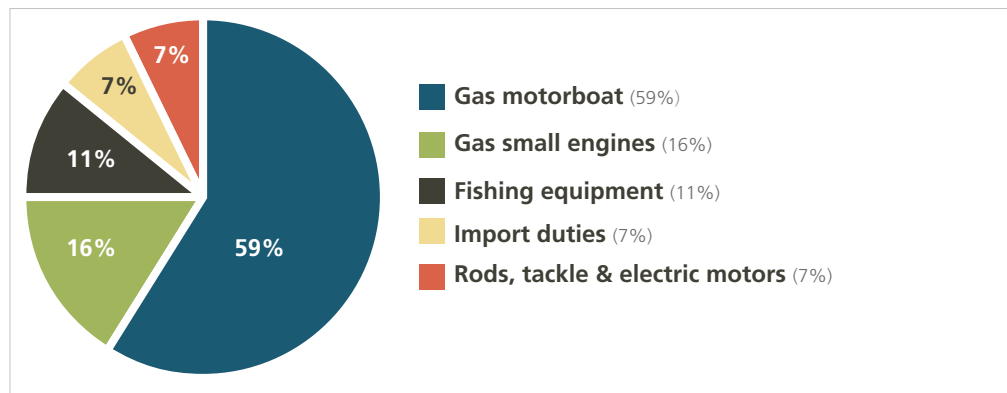


Figure 2. Sport Fish Restoration and Boating Trust Fund Revenues Collected in 2009



Source: Provided by the USFWS Division Wildlife and Sport Fish Restoration

Legislative History of Boating Provisions of the Sport Fish Restoration Act²

Table 1 summarizes the major milestones in funding for boating infrastructure programs through federal legislation. The genesis for federal involvement in developing boating infrastructure lies with the *National Recreational Boating Safety and Facilities Improvement Act of 1980*, also known as the *Biaggi Act* for its Congressional sponsor, New York Congressman Mario Biaggi. That legislation directed that a portion of federal excise taxes paid by recreational boaters on gasoline used in powerboats be used to fund

² Consult Appendix A for a more detailed history.

the Recreational Boating Safety and Facilities Improvement Fund. This money, formerly retained in the Highway Trust Fund for road construction and improvement, could now be used by states for boating safety and facilities programs. Under the law, Congress still had to appropriate the money for this purpose, but in subsequent years it only appropriated funds for the boating safety programs (administered by the U.S. Coast Guard), not the facilities improvement portion.

In July 1984, Congress incorporated the *Biaggi Act* into an amendment to the *Federal Aid in Fish Restoration Act of 1950*³, creating a new trust fund, which became popularly known as the Wallop-Breaux Trust Fund for its two sponsors, Wyoming Senator Malcolm Wallop and then-Congressman John Breaux of Louisiana. Formally named the Aquatic Resources Trust Fund, it divided the tax monies into two accounts, the Boat Safety Account and the Sport Fish Restoration Account. The 1984 *Sport Fish Restoration Act* mandated that states⁴ accepting these funds in the form of grants dedicate at least 10% to the development and maintenance of boating access sites such as launching ramps and related facilities for trailerable boats.

Further enhancements to the *Sport Fish Restoration Act* in 1988 and 1990 increased the funding available for boating safety and access facilities. Then, in 1992, Congress passed, and the president signed, the *Oceans Act*, (*Title V* of which was entitled the *Clean Vessel Act*, abbreviated as CVA) which increased to 12.5% the amount of each state's allocations that had to be invested in boating access projects and allowed calculation of this percentage as an average on a Service regional basis.

Although the new funding for boating infrastructure stimulated tremendous improvements for boaters, most of the funds went to constructing and maintaining facilities that served primarily small, trailerable boats. Recognizing the need for facilities to serve larger transient vessels, the *Sport Fishing and Boating Safety Act* passed by Congress in 1998, created the *Boating Infrastructure Grant* program (abbreviated as BIG) for the purpose of constructing new berthing facilities or renovating outmoded facilities that would serve "non-trailerable," transient recreational vessels, defined as boats 26 feet and longer. This act also increased the portion of each state's SFR allocation that was mandated for boating access to 15% and reauthorized the *Clean Vessel Act* portions of the program; funding of pumpout projects resumed in 1999.

In 2005, the *Safe, Accountable, Flexible, and Efficient Transportation Equity Act* (SAFETEA) reauthorized the Wallop-Breaux Amendment to capture the entire 18.3-cent federal gasoline tax on motorboats and small engines being paid by anglers and boaters. This resulted in an annual funding boost of \$100 million for the Sport Fish Restoration and Boating Trust Fund (formerly the Aquatic Resources Trust Fund). Significantly, this act also created a permanent appropriation for boating safety grants similar to that in place for the Sport Fish Restoration grants.

³ The Act was formally titled *Federal Aid in Fish Restoration Act of 1950* but owing to its popular vernacular will be referred to as *Sport Fish Restoration Act* for the remainder of this document.

⁴ For purposes within this document, the term "state" includes states, the District of Columbia and insular areas.

Table 1. **Milestones In Boating Infrastructure Programs**

1980 — *National Recreational Boating Safety and Facilities Improvement Act of 1980 (Biaggi Act)*. Allows federal excise tax on gasoline that is used by boaters to be used for boating facilities.

1984 — *Sport Fish Restoration Act* amendments. Incorporates the *Biaggi Act*, creates the Aquatic Resources Trust Fund, and mandates that each state spend at least 10% of its annual apportionment on development and maintenance of boating access facilities.

1988 — Reauthorization of Boat Safety Account of the Aquatic Resources Trust Fund. Authorizes a survey of the number and type of recreational vessels and the gasoline used by them.

1990 — 1990 federal budget reconciliation process. Allows 2.5 cents of the newly approved 5-cent federal gasoline excise tax to be deposited in Highway Trust Fund (a portion of which is passed through to Aquatic Resources Trust Fund, thereby increasing funding for SFR fishing and boating projects).

1992 — *Oceans Act of 1992*. Creates the *Clean Vessel Act* program that funds boat pumpout facilities and programs and increases the mandatory percentage of state allocations that must be invested into boating access programs to 12.5% by state or by FWS region.

1998 — *Sport Fishing and Boating Safety Act of 1998*. Creates the Boating Infrastructure Grant program to improve facilities for large transient vessels; mandates that states must spend 15% for boating access projects; reauthorizes the *Clean Vessel Act*; increases the amount of gasoline taxes paid by boaters that is transferred to the Aquatic Resources Trust Fund (although still short of full parity).

2005 — *Safe, Accountable, Flexible, and Efficient Transportation Equity Act (SAFETEA)*. Reauthorizes Wallop-Breaux and captures the entire 18.3-cent federal gasoline tax on motorboats and small engines being paid by anglers and boaters.

Implementation of Boating Access Provisions

The influx of funds from the 1984 legislation and the subsequent expansions provided unprecedented opportunities for states to focus programs specifically on boater access. The SFR legislation was fairly broad in establishing the boater access provisions, stipulating only that the funds be invested in “... the costs of the acquisition, development, renovation, or improvement of facilities (and auxiliary facilities necessary to insure the safe use of such facilities) that create, or add to, public access to the waters of the United States to improve the suitability of such waters for recreational boating purposes.”

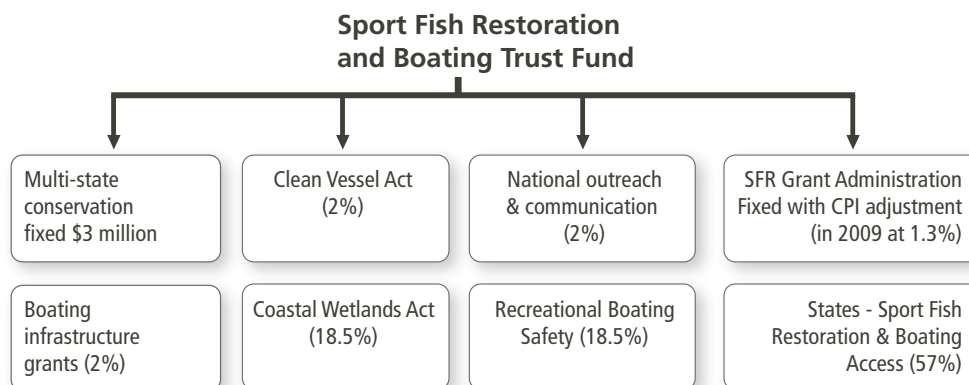
Since the 2005 reauthorization of the *Sport Fish Restoration Act*, revenues in the Sport Fish Restoration and Boating Access Trust Fund have been distributed to the various programs on a fixed percentage basis. Boating access programs are not a separately identifiable element in this division of funds, but rather are contained within the 57% SFR allocation to the states (Figure 3).

An important distinction between the boating access funds made available through SFR and the other boating-related provisions (*Clean Vessel Act* grant program for pumpouts and *Boating Infrastructure Grant* program for large transient vessels) is that

the boating access funds are simply a percentage (currently 15%) of the larger pool of a state's apportionment from the Sport Fish Restoration fund. The CVA and BIG funds, however, are separately identifiable funds that are competitively awarded to states based on applications that are submitted annually. Thus, a state is guaranteed to receive funds every year for boating access as long as they adhere to the provisions of the SFR program, whereas no such guarantee exists for BIG or CVA.

Under this arrangement, each state is responsible for designating and allocating the boating access funds to projects. Upon being notified of their apportionment and eligibility to receive funds, state agencies propose boating access projects according to state priorities and needs. Each state agency designates a coordinator who processes all state project applications to ensure that they meet Service requirements. The state coordinator sends each project application to the appropriate Service regional office. Each region has Wildlife and Sport Fish Restoration (W&SFR) Program grant specialists responsible for implementation of the boating access provisions of SFR. The regional staff reviews and evaluates the project applications to ensure that they are in compliance with the *Sport Fish Restoration Act*, its associated regulations, and other guidance, as well as other applicable federal laws. When the Service's regional office approves a project, an amount up to 75% of the estimated project cost is obligated from the Sport Fish Restoration Account from which the state is to be reimbursed. The state must first expend the money on the project and is then reimbursed for up to 75% of the eligible cost. The state/local share must be at least 25% of the cost and must be derived from a non-federal source. The Service regional office monitors projects funded through the program to ensure that program funds are being used properly and that project goals and objectives are achieved. Following completion of each project, the state must submit a final report to the regional W&SFR Program documenting results and accomplishments of the project.⁵

Figure 3. *Sport Fish Restoration and Boating Trust Fund Expenditures*



⁵ Adapted from: Federal Aid in Sport Fish Restoration Handbook, Fourth Edition. U.S. Fish and Wildlife Service, Washington, DC. 36p.

CONDUCTING THE SFBPC ASSESSMENT OF THE SFR BOATING ACCESS PROGRAM

In May 2008, acting Service director Rowan Gould requested that the Sport Fishing and Boating Partnership Council undertake an assessment of the boating access provisions of the Sport Fish Restoration Program (Appendix B). Noting that the funding of these programs through 15% of each state's SFR apportionment had grown since initiation in 1984, Gould stated that it was important to assess the program "to ensure that it continues to provide maximum benefits to our fishing and boating stakeholders."

An Assessment Subcommittee composed of state agency representatives, boating and access-related industry and association representatives, and others knowledgeable about boating access issues was formed by the Council. This consisted of:

John Sprague,
Subcommittee Chairman,
Marine Industries Association of Florida

Mike Hough,
Subcommittee Vice-Chair,
Kentucky Department of
Fish & Wildlife (retired)

Gary Armstrong,
Indiana Department of Natural Resources

Kevin Atkinson,
California Department of
Boating & Waterways

Thomas J. Dammrich,
National Marine Manufacturers
Association

Christopher Horton,
BASS/ESPN Outdoors

Martin Konrad,
Iowa Department of Natural Resources

Wendy M. Larimer,
Association of Marina Industries

Chuck Pistis,
Michigan Sea Grant Extension

Edward Poolos,
States Organization for Boating Access

Ex officio

Ryck Lydecker, SFBPC Chair, Boat
Owners Association of The United States
(BoatU.S.)

Project staff

Doug Hobbs, SFBPC Coordinator,
U.S. Fish and Wildlife Service

Andrew J. Loftus,
Loftus Consulting

Sarah Sanders,
D.J. Case & Associates

The subcommittee met in late 2008 and agreed on the following outline of questions with which to approach the assessment:

- Is the program meeting its legislative intent?
- How is the program performing?
- Are there redundancies in the program (what does it do that it might not need to do)?
- Are there deficiencies in the program (what should it be doing that it currently is not)?

These questions guided the conduct of the assessment that took place over the following 18 months.

Acquiring State Input

State fish and wildlife agency personnel were instrumental in conducting this assessment. Four individuals currently employed with state boating access programs and two past presidents of the States Organization for Boating Access (SOBA) were members of the Assessment Subcommittee. In 2008, at the annual meeting of the SOBA, an introduction to the assessment was provided by the Assessment Subcommittee, followed by a “listening session” designed to identify emerging issues related to boating access. In March 2009, the Association of Fish and Wildlife Agencies was briefed on the assessment and subsequently, state agency directors were asked to identify the primary contact in their state to provide input. Agencies were asked to complete a questionnaire and, if willing, to participate in an on-line forum allowing a freeform exchange of ideas and viewpoints about their state boating access program. Forty-one states and the District of Columbia took the opportunity to complete a questionnaire (Appendix C) representing 46 responses (some states asked both their boating administrator and federal aid coordinator to complete the questionnaire). Thirty-two percent (15 respondents) identified their position as federal aid coordinator, 46% (21 respondents) as boating program administrator, and 22% (10 respondents) as “other” (mainly SFR program administrators). Few differences existed between responses from federal aid coordinators/administrators and boating program administrators.

Innovative Materials and Techniques for Tough Conditions



Photo Credit: Puerto Rico Department of Natural and Environmental Resources

While the waters around the north coast of Puerto Rico are a boater's and fisherman's paradise, there is a lack of boating access facilities that allow boaters to reach the waters of the Atlantic. To rectify this, the Puerto Rico Department of Natural and Environmental Resources transformed a single lane, crumbling boat ramp at Isla de Cabras Park into a state-of-the-art boat launch facility using \$959,000 of Sport Fish Restoration funding. The new facility is designed to last 30 years using innovative construction techniques and materials, including the use of a fiberglass grating on top of the boarding dock to dissipate wave energy during rough weather. The handicapped accessible, dual-lane boat ramp can accommodate vessels ranging in size from 16 to 33 feet, and parking is available for 27 car/trailer combinations. The site was designed to fit into the existing park atmosphere and provisions were made to avoid conflicts with potential habitat of the endangered Antillean manatee.

Thirty-four state boating access personnel (which included four on the Assessment Subcommittee) elected to participate in the on-line forum (Appendix C). Using this tool, five issues that either arose during the course of the assessment or needed more clarification than provided in the state questionnaire were explored in depth using the following questions:

- Should the 15% SFR Boating Access funds be allowed, but not mandated, to be used for funding for all watercraft, not just motorboat access (particularly on electric-motor-only waters)?
- Is outreach being conducted with funds other than the 15% apportionment? Is outreach being conducted to the degree that you are comfortable with in your state?
- Clarification of project tracking systems, including specific constraints preventing agencies from implementing such systems and options for a standard template for a reporting mechanism.
- Do you proactively reach out to local governments and community organizations to develop boating access projects (or do you have a structured program through which local communities can submit eligible projects)? If so, can you provide a description of how this outreach is accomplished (e.g., direct contact with specific local government entities such as planners, general notices in the newspapers or websites, working through state permitting agencies to get the word out, workshops for local governments, etc.)? Do you have any suggestions/recommendations for other states who may want to develop such a program to work more closely with local communities?
- Is permitting an impediment to developing boating access (coastal versus inland states)? Are you from a coastal saltwater (marine) state? If so, do you see permitting issues as a significant impediment to saltwater (marine) access projects? If you deal with both saltwater and inland access projects, do you see permitting issues as more of an impediment in either location than the other? If you are an inland state, do you see permitting issues as a significant impediment to access projects?

The Assessment Subcommittee found this on-line forum to be a particularly useful tool for gathering state input. It allowed an open dialogue with state agency personnel and was very effective for engaging them in the assessment process.

To garner additional feedback from state agencies, the preliminary findings of the assessment were presented during the annual meetings of the Association of Fish and Wildlife Agencies and SOBA in September 2009 with the opportunity for informal feedback and input on the early findings of the assessment.

Acquiring U.S. Fish and Wildlife Service Input

The Service is the primary federal administrator for the SFR Program. Therefore the input of Service staff into specific administrative aspects of the boating access provisions was invaluable. The Service commissioned this assessment and provided general guidance on questions as they arose. Additional input was gathered from Service regional grant specialists through both informal discussions as needed and a questionnaire focusing on administrative aspects of the program. Eleven regional grant specialists responded to the questionnaire, representing all Service regions (Four people from Region 3, Midwest, responded since they divide up administration of the program among five individuals). Figure 4 provides a map of Service regional boundaries.

Figure 4. U.S. Fish and Wildlife Service Regions



ASSESSMENT FINDINGS AND RECOMMENDATIONS

Effectiveness of the Program

As previously described, the assessment process incorporated extensive interactions with state personnel who administer the funds for “on-the-ground” projects. According to input from 46 state personnel, the items being funded by the states with SFR boating access funds include (more than one response was allowed):

Number of Responses	Percentage of Responses	
41	93%	Construction of launching facilities (ramps and boat lifts)
40	91%	Vehicle parking for launch or marina facilities
34	78%	Operation and maintenance of access facilities
34	77%	Ancillary structures such as fish cleaning stations, restrooms, sewage treatment facilities, showers, potable water, security lights, trash receptacles, etc.
22	51%	Publication of guides, brochures, maps, road signs, Internet sites, and other aids to inform boaters of access sites
18	41%	Construction of marinas, moorage facilities and dockage
18	41%	Land acquisition and development of fishing lakes and ponds accommodating motorboats
17	39%	Breakwaters
16	36%	Navigational aids, dredging, etc., primarily for recreational motorboats
6	14%	Camping facilities at areas accessible only by boat
5	11%	Purchase of water rights for securing boating access
2	5%	Projects that compensate/mitigate for natural resource losses caused by an eligible activity
4	9%	Other

Clearly, funds are being spent on items that directly create or improve boater access to the waters of the United States. Program expenditures were most notable for where states did not spend much money. Items for which a large majority (greater than 81%) of states spent less than 25% of their boating access funds included operations, administration, outreach, planning and design, and environmental compliance. As most of these categories are necessities for conducting boating access programs, states must be accomplishing these with other sources of funds or at very low cost. Since the boating access funds are simply a percentage of the overall SFR state allocation and not a completely separate source of funds, it is likely that many of the program functions are supported through the overall SFR allocation and not specifically attributed to boat access.

Looking beyond the present, 72% (31) of state personnel responding to the questionnaire felt that the 15% SFR allocation was sufficient to meet the future needs of power boat access in their state. However, the fact that a majority of respondents indicated satisfaction with the funds available should not overshadow the fact that, in some states, the funding shortfalls may be extremely detrimental to meeting the

demands of the recreational boating constituents in those states. In some states, funding shortfalls may be so extreme that SFR boat access funds alone would not be sufficient to meet the existing or anticipated needs.

By all accounts, the boating access provisions of the SFR program are meeting their fundamental purpose of increasing recreational boating access to waters of the United States, even though state-specific or region-specific needs still may exist. As with any program that has been in existence for 25 years, minor adjustments should be made to keep it effective in the coming decades.

FINDING: Overall, the SFR boating access program is meeting its intended purpose of providing enhanced recreational boating access to waters of the United States, although state-specific or region-specific needs still exist.

Throughout this assessment, the concept of user pay/user benefit was reiterated by the states, Service regional grant specialists, and the non-governmental organizations/private sector partners involved in this program. This concept is the very foundation of the passage of the original *Sport Fish Restoration Act* in 1950, which captured the taxes on sportfishing equipment to fund programs benefiting the management of sport fish. The concept continued to be the driving force behind the 1984 Wallop-Breaux amendments to the Act, which captured the federal gasoline tax paid by recreational boaters to fund programs, including access to the water, that benefit the recreational boating public. User pay/user benefit builds an effective partnership between private sector businesses, anglers and boaters, state agencies, and the fishing and boating public that is impacted by the programs.

While the majority of state personnel felt that the current funding allocation was sufficient to meet the future needs of power boat access in their state, this should not overshadow the fact that, in some states, funding shortfalls may be extremely detrimental to meeting the demands of the recreational boating constituents.

Recovering from Disaster



Photo Credit: Virginia Department of Game and Inland Fisheries

In September, 2003, Hurricane Isabel roared up the Chesapeake Bay leaving havoc in its wake; one of the casualties being the boating access facility to the York River in Gloucester Point, Virginia. This facility, which was 90% destroyed, had provided a key point of access for recreational boaters and anglers to not only the York River but the wide open waters of the lower Chesapeake Bay. However, thanks to core funding of \$685,282 from the Sport Fish Restoration funds matched with \$228,428 from other sources, a \$913,710 facility was constructed and operational in time for the prime boating season in 2006. Two piers were constructed (handicapped accessible), along with a 9,237 square yard parking lot capable of handling 69 car/trailer combinations. Other amenities including restroom facilities and walkways — all handicapped accessible — were also added. To protect the environment, erosion and sediment control devices were installed and sensitive submerged aquatic vegetation established. “Most weekends the facility is filled to capacity,” remarked James Adams of the Virginia Department of Game and Inland Fisheries, “and during certain fish migration times the facility is filled to capacity for several weeks at a time.”

The “user pay/user benefit” concept that is the foundation of SFR should be maintained.

FINDING: There is strong support from federal and state agencies and constituent groups for the “user pay/user benefit” concept. User pay/user benefit should be maintained as a core element of this program.

USFWS Program Administration

Since the boating access funds are part of each state’s annual apportionment of funds under the Sport Fish Restoration formula, administration of the boating access funds goes hand-in-hand with these other funds. The Washington office of the Wildlife and Sport Fish Restoration Program provides general program oversight, while a Service coordinator in each region ensures appropriate program implementation by the states in that region. In some circumstances (notably Region 3, Midwest/Great Lakes) more than one individual may coordinate provisions of the boating access program.

Based on the input from state agency personnel and Service regional boating access grant specialists, the administrative mechanisms seem to be working well, although a few minor improvements can be made.

State Views of the Service’s Administration

Based on concerns expressed in previous assessments of the Boating Infrastructure Grant (BIG) Program, the Assessment Subcommittee was interested in potential issues related to different Service personnel coordinating the BIG, *Clean Vessel Act* (CVA), and boating access programs. However, few potential problems were identified resulting from different Service regional personnel handling the administration of these boating-related programs and, in fact, some advantages were noted. Fifty-eight percent of state respondents (26 responses) indicated that different Service personnel coordinated boating access, BIG or CVA in their region (25% weren’t sure). Of these 26 respondents, only one indicated that any problem had occurred due to this arrangement. Forty percent (10 respondents) indicated that they had experienced *advantages* from having different Service coordinators for the three programs, including:

- Dispersing workload among Service staff, allowing those staff to provide more individual attention to states, and
- Allowing Service personnel to gain expertise in their program area and therefore provide better service.

Service Personnel’s Views on Program Administration

The Assessment Subcommittee queried the Service’s regional Wildlife and Sport Fish Restoration Program grant specialists/grant administrators on their perceptions of factors (relative to administration of the boating access provisions of SFR) that might help them perform their job more efficiently. These personnel were asked to rank (high, moderate, slight, none) their perception for the need for additional guidance in the following areas:

- More guidance from the Washington office on implementation of the SFR boating access program,

- More annual training (continuing education) specific to your job (e.g., program and grant management, changes in guidelines/regulations, etc.), and
- Additional gatherings of other regional grant specialists/grant administrators to discuss specific aspects of implementing the SFR boating access program.

No respondents felt that there was a “high” need for the first two items (additional guidance or training). However, seven out of 11 respondents felt there was a slight or moderate need for more guidance from Washington and four out of 11 felt there was no need for additional Washington office guidance.

The greatest call for improving effectiveness (five respondents citing “moderate need” and three respondents citing “high need”) was for additional gatherings with other regional grant specialists/grant administrators, with a recommendation that the Washington Office should coordinate such gatherings.

In terms of guidance on project eligibility, 10 of the 11 respondents indicated that they use the 2004 memorandum from the director of the Service outlining activities eligible for funding with the SFR boating access funds (Appendix D) to help guide their implementation of the program in their region. This indicates a potentially high degree of consistency in the way that the program is implemented nationwide, although some disparities (discussed later) are evident. Only three of 11 respondents felt that this guidance memorandum excluded activities that they felt were legitimate for funding.

Based on the responses of Service and state personnel, three areas of potentially eligible activities should be clarified for use of SFR boating access funds:

- Dredging,
- Projects conducted primarily for the benefit of electric powered vessels, and
- Use of SFR funds for maintaining projects constructed under the Land and Water Conservation Fund (LWCF) program.

Service personnel from different regions clearly expressed divergent opinions on the eligibility of these project types for funding (electric motor projects will be discussed in more detail later in this report). Additionally, after a longstanding prohibition on the use of SFR funds to maintain access sites constructed under the LWCF program, this policy was reversed. However, some states were unaware of this change and only learned of the new eligibility through the process of this assessment.

FINDING: With few exceptions, administrative mechanisms seem to be functioning adequately.

RECOMMENDATION 1: Service guidance on program implementation is generally adequate, but needs to:

- Be more consistent in the guidance provided to individual states, and
- Ensure that changes in program rules, regulations, and guidance are

PHOTO CREDIT: OREGON STATE MARINE BOARD



communicated effectively from the Service’s Washington office to its regional program administrators, and from the regional offices to state agencies on specific items such as dredging projects, projects focused on electric-powered boats, and eligibility of funds for maintenance of LWCF projects.

New Boating Opportunities While Protecting Wildlife

Charlestown Landing is a new boat launching facility on the Ohio River in Charlestown State Park in Indiana. Located ten miles upstream from Louisville, Kentucky, and thirty river miles downstream from Madison, Indiana, on a stretch of the Ohio River with a high volume of recreational boaters, this was a prime site for developing a boat access facility. However, boat access in this area was eliminated at the onset of World War II due to the construction of an army ammunition plant along the river. In 1993 the Army began transferring portions of the land to the State of Indiana for use as a state park. Applying \$750,000 of Sport Fish Restoration funds and more than \$2 million in state funds, a new facility was constructed, resulting in one of the largest launch sites on this 80-mile-long pool. Boaters no longer have to travel a considerable distance to access the river, a factor that is becoming increasingly important as fuel prices rise. This handicapped accessible facility includes a five-lane concrete boat ramp, nearly three miles of road construction and improvement, two parking lots, and amenities. During construction, one of only two known maternity colonies of gray bats (a federally endangered species) in the state was discovered, along with the presence of the federally endangered Indiana bat. Working closely with biologists, bat habitat considerations were incorporated into the boat access site design, including provisions for minimizing the tree clearing for the ramp and planting hundreds of trees to create additional habitat for the bats.



Photo Credit: Ted Leverman,
Indiana Department of Natural Resources

Regional Averaging of State Expenditures

The *Sport Fish Restoration Act* language of 1984 specified that each state must spend 10% of its annual SFR allocation on boating access programs. However, some states found this onerous, particularly where navigable waterways were scarce. In the 1992 reauthorization of the act, the amount that each state was mandated to spend was increased to 12.5% of their allocation, but two modifications were included to provide flexibility to the states. First, the mandated amount could be calculated as an average of all states’ expenditures within the same Service region and second, states were allowed five years to obligate the new funds. This “five year period” was started in fiscal year 1993 (beginning October 1, 1992) with each subsequent period measured from that point. For example, the first period covered fiscal years 1993 through 1997; the latest complete five-year period ran from fiscal year 2003 through 2007).

While the “5-year regional averaging” was intended to alleviate pressure on states while still providing improved boater access, debate among federal and state administrators has raised questions as to its effectiveness. Only three of nine Service regional program administrators felt that the “5-year regional averaging” as currently implemented benefits the SFR boating access program. Suggestions from the Service regional grants specialists for improvement included:

- Reconfigure the “set 5-year averaging periods” to a rolling average over a five-year period, and
- Reduce the percentage that states must allocate towards boating access.

State respondents to the questionnaire were split on the issue of the effectiveness of regional averaging. Fifty-two percent indicated that it was beneficial, while 48% indicated that it was not. Overall, 73% said that it did not cause any problems for their state.

If a “rolling five-year average” was adopted, it would replace the current fixed period for calculating the regional average (which is only calculated once every five years) with an average that was calculated at the end of each year and included that year and the previous four years. Thus, a rolling average would be calculated for 2009 that included the years 2005–2009; the next rolling average would be calculated at the end of 2010 that included the years 2006–2010, and so forth. Statistically, rolling averages smooth out short-term fluctuations in spending and highlight longer-term trends or cycles. Some comments have indicated that a rolling average approach to calculating average regional expenditures would provide states with greater flexibility to effectively utilize boating access funds.

The concept of moving from a fixed to a rolling average for calculating the five-year expenditures was raised throughout this assessment, by state personnel, federal coordinators, and members of the Assessment Subcommittee. Although there was no concerted call for this change, the widespread origin of this suggestion provides cause for raising the issue of further investigation. At this time, the Assessment Subcommittee does not have enough information to provide a recommendation to move to a five-year rolling average method of calculation, but feels that additional study is warranted.

FINDING: Regional averaging is a positive element of the SFR boating access funding administration, allowing states flexibility in investing their boating access dollars.

RECOMMENDATION 2: The Service should convene a working group of state agencies to investigate the desirability and feasibility of calculating the five-year regional average expenditure on a rolling basis as opposed to the current fixed-period basis.



PHOTO CREDIT: ANDREW LOFTUS

State Implementation of SFR Boating Access Program

Funding Issues

When state agency personnel were asked about the need to increase the percentage of SFR funds mandated for use in boating access, 79% (31 respondents) indicated that the current level is sufficient to meet boaters' needs in their states. In the past five years, only 30% (14) had no problem spending their SFR boating access funds. Common impediments to fully utilizing their funds included:

- 28% (13 respondents) had projects but no match,
- 15% (7 respondents) had a lack of projects, and
- 26% (12 respondents) cited other reasons.

FINDING: Most states have had some difficulties spending the full 15% boating access allocation at least once in the past five years.

Twenty-one respondents elaborated on specific reasons for their spending difficulties:

- 52.4% (11 respondents) indicated state budget restrictions were an impediment,
- 42.9% (9 respondents) indicated a lack of local match,
- 28.6% (6 respondents) indicated a lack of adequate staffing of the state motor boat access program to address all possible projects,
- 28.6% (6 respondents) indicated a lack of available land for eligible boating facilities,
- 14.3% (3 respondents) indicated a lack of boating water (suitable for power boats),
- 14.3% (3 respondents) indicated that large amounts of federal lands existed at potential project sites (thus hindering the ability to develop the non-federal match required for projects), and
- 14.3% (3 respondents) indicated a lack of motorboat-specific projects.

FINDING: Most states are adequately providing the required non-federal match for boating access projects. However, some states are having difficulty meeting their match requirements.

RECOMMENDATION 3: The Service and states should explore more innovative solutions to assist states in developing non-federal matching funds to meet new boater demands. These should include fostering partnerships with local communities and the private sector to provide match and developing projects and training/mentoring for state personnel and Service personnel on innovative match solutions. The Service should request the assistance of states and other partners in developing a publication on innovative matching solutions, best outreach practices, and partnering with local communities.

The Service and states should explore more innovative solutions to assist states in developing non-federal matching funds to meet new boater demands, including fostering partnerships with local communities and the private sector.

Enhancing Marine Access in Coos Bay

Coos Bay is Oregon's second largest port and second busiest maritime commerce center, serving a busy commercial fishery and seafood processing industry while providing a gateway to the Pacific Ocean for recreational boaters. A public launch ramp at Charleston Harbor on Coos Bay is a major launch site for trailered boats as well as providing a 560-slip marina. With six launch lanes and 464 feet of boarding floats and piles, Charleston is one of the largest boating facilities in Oregon. However, at more than 40 years old, the wooden boarding floats and piles were in severe need of repair and the concrete ramps were extensively damaged, causing safety problems for recreational boaters. In 2005, with an investment of \$183,978 of Sport Fish Restoration funds matched with \$412,192 state, local, and special federal funds, the site was completely redesigned and reconstructed. Over 12,000 square feet of concrete, 500 feet of floats and 11 pilings from the old facility were removed during construction and replaced with newly redesigned ramps and dockage facilities. Amazingly, all in-water work was completed in a 2-1/2 month period during the winter without significantly inconveniencing the boating public. The end result is a state-of-the-art facility providing enhanced access to Coos Bay and the open Pacific Ocean, all completed on time and under budget.



Photo Credit: Aaron Simons

Boating Access Projects on Federal Lands

The theme of large amounts of federal lands hindering SFR projects was noted in the 2007 assessment of the *Clean Vessel Act* program conducted by the Sport Fishing and Boating Partnership Council. In part, this impediment can be traced to the policy that fees paid by boaters and collected by federal agencies (or in some cases, vendors operating facilities for federal agencies) as part of the *Federal Lands Recreation Enhancement Act* may be considered federal funds and therefore cannot be applied as a portion of the matching funds for SFR projects. As noted in that report, this issue spans across all SFR projects and likely many other projects utilizing federal funds not covered under SFR. As such, any solution will require participation from federal and state agencies in addition to the Service, as well as a broad array of constituent groups.

FINDING: Some states are not fully meeting the demand for boating access because of difficulty investing their entire 15% boating access allocation due to large tracts of federal land bordering waters suitable for power boat access.

Although the Assessment Subcommittee is not recommending that the requirement for a non-federal match be eliminated or routinely waived, some potential accommodations should be considered in circumstances where federal ownership comprises the significant portions of the water area or land base around waters suitable for boating in a state.

One example of a creative solution to the matching requirement issues was authorized by Congress for projects conducted by the U.S. Army Corps of Engineers (ACOE). The 2007 *Water Resources Development Act*, which governs ACOE funding for projects involving navigation, flood control, and shore protection under section 221 of the *Flood Control Act of 1970* (42 U.S.C. 1962d-5b) states:

“(b) Sources of Funds - The non-Federal interest may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project.”

While this language may or may not be appropriate for SFR, its intent is worthy of consideration for addressing the issues faced by certain states in spending their SFR boating access funds. Other instances of allowing federal funds from differing programs to be used for matching each other exists in a variety of federal programs, including “hardship provisions” of some programs that may allow exceptions to matching requirements in limited circumstances. One state respondent suggested that a reduction of the required non-federal match be considered when federal lands exceed 70% of total state area.

Opening the Great Lakes to Boaters



Photo Credit: Ashley Sundelius

The Charles F. Moore Boat Harbor is a municipal marina uniquely situated to provide access to the St. Clair River, approximately equally distant from Lake Huron and Lake St. Clair. This location provides ideal access to boaters plying the Great Lakes in either direction. By 2005, this marina was showing its age, with 30-year-old docks rotting and infrastructure that was not compatible with modern boating needs or accessibility. Fluctuating water levels in the lakes made the docks nearly unusable in certain years. Combining nearly \$2.2 million of Sport Fish Restoration funds with \$722,157 from the city of St. Clair and the Michigan Waterways Fund (funded through boat registrations and state gas taxes), an extensive renovation project was begun in 2005. Most of the fixed position docks were replaced with new floating docks with finger piers, making the facility accessible at any water level. To accommodate advances in boat electrical systems, the utilities and electrical service provided by the marina were upgraded. Navigation was improved with dredging and installation of steel bulkhead and rip-rap to control erosion and sediment runoff. Amenities and safety structures including a fish

cleaning station, sidewalk, and asphalt curbing and gutter were installed and the facilities were brought into ADA compliance. The facility now provides 67 transient slips, which serve 1,500 boaters annually, and 56 seasonal slips which are filled each year.

RECOMMENDATION 4: The Assessment Subcommittee recommends the following:

- a. The Service, in cooperation with the Sport Fishing and Boating Partnership Council, investigate the issue of allowing user fees generated on federal lands (under authority of the *Federal Lands Recreation Enhancement Act*) to be used as the required match for projects funded under the *Sport Fish Restoration Act*.
- b. The Service and states investigate potential changes to the requirements of non-federal matching funds for limited application to facilitate a state's expenditure of SFR boating access funds where large tracts of federal land ownership may be impeding the state's full expenditure.

Permitting Issues

The issuance of permits prior to construction or renovation of facilities is often thought of as impeding the timely expenditure of funds. The Assessment Subcommittee explored the permitting issues as they related to states' abilities to use their funds, particularly considering that boating access projects, by their very nature, occur in environments that are highly regulated through environmental permits (navigable waterways).

However, in general, acquisition of permits does not seem to be a significant problem impeding boating access projects. Seventy-one percent (32) of state respondents indicated that permits had not caused significant delays or problems. Additionally, most Service regional grant administrators felt that there were no "significant" delays in grant processing caused by acquisition of permits. However, when delays in funding approval from the Service did occur, a common reason cited by regional Service grant specialists was related to permitting (particularly *National Environmental Policy Act*, threatened and endangered species, and historic/cultural permits).

State respondents provided several suggestions for improving the permitting process, including:

- Providing a standard Section 7 (covering federally listed threatened and endangered species) approval like a General Permit for certain types of projects (restrooms, electrical/water bollards, replacement ramps to original footprint, etc.) and
- The funding award should not be contingent upon receiving permits, but reimbursement should. Moving the burden from the "award" phase to the "reimbursement" phase will facilitate the project planning process.

While permitting issues did not seem to cause undue burden overall, several factors should be considered. These results reflect the average opinions over the entire nation. In some states or regions of the country where a large abundance of sensitive habitats and resources occur (e.g., manatees in Florida affecting coastal projects, etc.), permitting may cause significantly more delays than in other areas. For this assessment, there was no reliable way to accurately determine differences related to inland versus coastal permitting issues.



PHOTO CREDIT: OREGON STATE MARINE BOARD



PHOTO CREDIT: OREGON STATE MARINE BOARD

Additionally, the permitting process and regulations are well entrenched in boat access construction programs. State federal aid coordinators have become adept at requiring project managers to address permitting issues before the project is sent to the Service for approval. Since the 1970s when permitting requirements began to be strengthened, state agencies have invested considerable financial resources to develop the staff expertise to adhere to these requirements. Thus, while the issuance of permit requirements does not seem to be impeding boating access projects in general, it is likely a result of the considerable infrastructure that state agencies have developed over several decades for the very purpose of dealing with the requirements. Additionally, the respondents (state agency administrators) work for organizations that generally have permanent permitting staff, whereas a different audience in the private sector (e.g., marina operators wanting to construct or expand facilities) may find the permit process to be a substantial blockade since they do not commonly maintain such staff. Therefore, Service personnel may not encounter missing permits by the time that the project reaches them

FINDING: In general, acquisition of permits does not seem to be a significant problem impeding boating access projects, which may be a result of the substantial resources that state agencies have invested in staff to address permits throughout the process.

Limitations on Project Eligibility

Electric Motors

Another often-echoed theme regarding impediments to using SFR boating access funds was “a lack of water suitable for power boats” and “lack of motorboat-specific projects.” In some cases, a state’s water resources may be dominated by mountain streams and shallow rivers interspersed with a few large reservoirs. After nearly 25 years of SFR boating access funding, these states may feel that their available boating access sites are approaching maximum “build out.” In other cases, a significant amount of state water resources may be in the form of large water supply reservoirs that are off-limits to gasoline-powered boats but are open to electric-powered boats. A common perception of most states and Service boating access program coordinators has been that “electric motor only” projects were not eligible for funding with the 15% portion of SFR allocation. Although electric-only projects are not explicitly excluded in the authorizing legislation, historical documents suggest that, in accordance with the user pay/user benefit concept, those influential in structuring the 1984 legislation did not support funding projects with the dedicated SFR boating access funds that did not benefit gasoline-powered boats. Complicating this, however, is the fact that “electric outboard motors” are subject to an excise tax that is deposited into the SFR account (although the tax on such motors is 3%, whereas the tax on most other fishing equipment is 10%). In response to questions posed during this assessment, the Washington office of the Wildlife and Sport Fish Restoration Program has rendered an opinion, supported by an assessment of the current regulations and enabling legislation, that electric-motor-only projects are indeed eligible for funding under the 15% SFR boating access funds, which was contrary to many perceptions.

In general, Service regional grant specialists believed that “electric motor only” projects were not currently eligible for funding under the 15% SFR boating access allocation. Under this perception, coordinators in three regions indicated that the inability to use SFR motorboat access funds for projects focused on non-motorized access is currently a problem that impedes the full use of SFR allocations in their region and would remain so in the future. Seven (of 11) respondents indicated that their region would be in favor of allowing the construction of access facilities for non-motorized vessels as an eligible activity using the 15% SFR boating access funds without any problems.

FINDING: There is a perception by many state agency personnel and Service regional coordinators that projects primarily benefiting electric-powered boats are ineligible for funding under the 15% SFR boating access allocation. Some states are having, or are predicting, difficulty spending their entire 15% allocation due to lack of water suitable for power boating (and full development of facilities on those waters that do exist) or increased restrictions on power boat use (but allowed use for electric motors), thereby missing opportunities to provide needed boating access facilities.

RECOMMENDATION 5: Recognizing that the strength and integrity of the Sport Fish Restoration Program is anchored in the user pay/user benefit concept, the Assessment Subcommittee recommends the following:

- a. That the Service’s Washington office of the Wildlife and Sport Fish Restoration Program clarify the eligibility of the use of SFR 15% boating access funding for projects benefiting primarily electric-powered boats, and communicate that clearly to the regions and states. Such clarification must include whether the guidance pertains to electric outboard motors, electric inboard motors, or both.
- b. That the definition of “power boats” in the Service’s administrative manual chapter for this program be clarified to include electric powered boats so that projects on lakes or reservoirs with “electric-motor-only” restrictions can be eligible for funding.
- c. That manufacturers of boats powered by electric inboard motors as well as manufacturers of non-motorized canoes, kayaks, drift boats, and other paddle craft consider means to contribute to the Sport Fish Restoration Program in order to develop access facilities that are specially designed and built to serve users of those products.

Eligible Activities

While the recommendations leading to eligibility of electric-motor only projects (or clarification if they are currently eligible) and the federal lands issue are important steps to help some states alleviate the difficulty of investing their entire allocation, there are several additional actions that can be taken that maintain fidelity to the original intent of the Wallop-Breaux amendments and address 21st century challenges facing the boating community. Any program, after 25 years of existence, would likely benefit from updating and the SFR Access program is no different.

The definition of “power boats” in the regulations should be clarified to include electric powered boats so that projects on lakes or reservoirs with “electric-motor-only” restrictions can be eligible for funding.

During the course of this assessment, several suggestions were forwarded to the Assessment Subcommittee outlining innovative projects that should be eligible for funding but aren't under current guidelines. These suggestions included funding for dry stack storage at marinas, motorboat rentals on public waterways, maintenance dredging for channels, education, and other items.

While all of these items are worthy of consideration, the Assessment Subcommittee feels that items designed to control or prevent the spread of invasive species are of particular importance, including boat wash stations for invasive species control and inspections to prevent the spread of invasive species.

Although the Assessment Subcommittee discussed various options, the decision to recommend the expansion of eligible activities or not requires more in-depth consideration with a broad array of partners.

FINDING: Some states are facing full development of their available boating access sites and the inability to utilize their full boating access allocation, leaving some boating access needs unfulfilled. The list of activities eligible for funding initially developed after the 1984 legislation may be restricting the funding of legitimate projects and contributing to these spending issues.

RECOMMENDATION 6: In cooperation with the states and other partners, the Service should review the list of eligible activities to recognize, encourage, and promote more innovative projects that contribute to the SFR boating access program objectives of providing enhanced recreational boating access to waters of the United States and meeting the demands of modern boating.

Reporting Accomplishments and Future Needs

Accomplishments

Communicating to the public and policy makers the accomplishments of the SFR boating access program is vitally important. For audiences at the local, state, and national levels, the location of boat access sites developed or enhanced with these funds should be the basic information available. Unfortunately, during the process of this assessment, no single source for this information could be found. While some states have developed their own "boating access guides" (including some electronically) these systems differ in their completeness and details. Additionally, other than the Federal Aid Information Management System (FAIMS) no standardized reporting mechanism is available to tie program accomplishments (including boating access locations) to expenditures (FAIMS was not designed to track project-specific details or to be utilized by the general public for such purposes). Sixty-three percent of states (26 states) do not currently have a project tracking system designed to track SFR boating access project accomplishments. Of the 14 responses indicating that they did have a project tracking system, 8 (57%) indicated that the information was not available on the Web.

For all audiences, the location of boat access sites developed or enhanced with these SFR boating access funds should be the basic information available.

FINDING: The majority of states do not have an electronic “accomplishments reporting system” in place.

The lack of reporting systems or common elements that could be used to construct reporting system impedes the ability of the public and policy makers to identify boat access points at the regional or national level. This finding is consistent with the findings of previous assessments of the BIG and CVA programs, where a similar lack of information impeded full evaluation of the extent of the progress made by these programs. Five of 11 regional grant specialists supported modifying the current FAIMS system to accomplish this, while three of 11 supported a new standardized reporting template.

Consistent collection and reporting of a core set of variables could provide numerous benefits without adding to the reporting guidelines already being followed by the states. A well constructed reporting system could serve the needs of multiple audiences, including:

- Basic information on access sites for recreational boaters,
- Integration with mandated reporting requirements of state agencies,
- Regional and national-level accomplishments statistics for federal administrators and policy makers, and
- Integration with outreach programs to recreational boaters, such as the Recreational Boating and Fishing Foundation.

RECOMMENDATION 7: The Service should:

- In collaboration with state agencies and boating access partners, initiate an effort to develop a template of core, consistent program reporting elements for national-level program accomplishments (location, ramps built and maintained, parking, etc.).
- Consider developing a standardized online application and final reporting mechanism that would allow for easier review of standardized materials at the federal level.

One Service region (Northeast, Region 5) has already embraced this concept and, in consultation with the states, developed a reporting template that states may use at their option. All of the states in the region have embraced it with no complaints.

Needs Assessment

The 1998 amendments to the SFR legislation (*1998 Sportfishing and Boating Safety Act*) called for “a national framework for a public boat access needs assessment, which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.” The states were to utilize this framework to conduct a public boat access needs

Consistent collection and reporting of a core set of variables could provide numerous benefits without adding to the reporting guidelines already being followed by the states. A well constructed reporting system could serve the needs of multiple audiences.

survey in their state and implement “a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.”

The Service published in the Federal Register (Volume 67, Number 4) a series of questions for states to use in 2002. However, no standard survey techniques or framework (e.g., phone, mail, interview, etc.) were described, leading the Office of Management and Budget to rule that results of individual state surveys conducted under

Planning for the Future

The New Hampshire Fish and Game Department recognized early on that a comprehensive needs assessment would be instrumental in development of boating access. During the 1960s, the state conducted an inventory of water access points but it wasn't until 1992 that a public access program was established. Between 1963 and 1979, the department developed 15 sites to provide access for anglers and boaters. In 1983, the legislature directed the department to develop 10 access sites, but the special \$200,000 appropriation was consumed by only three sites. The 1984 Wallop-Breaux amendment to the Sport Fish Restoration Program provided a partial solution to this funding shortfall. A 1991 Public Access Plan for New Hampshire's Lakes, Ponds and Rivers recommended one access site for every five miles of shoreline for a total of 885 statewide public access sites. Using this as a guide, the Statewide Public Boat Access Program has built or refurbished dozens of facilities and now maintains 139 sites statewide. An updated statewide needs assessment is currently guiding the effort with the objectives of 1) continuing to provide access to the state's public waters, but not at the expense of water quality and natural resources; 2) continuing to develop boating access sites on large lakes; 3) increasing opportunities for shore/bank fishing; and 4) improving communication and access opportunities and development, such as the Boating and Fishing Public Access Map.



(Adapted from: Hewitt, A. 2000. Public access for all. In: Celebrating 50 years of the Sport Fish Restoration Program. Fisheries 25(7) (supplement)).

different methodologies could not be compiled into a national-level needs assessment. Therefore, although some states have conducted such an assessment, a national-level assessment as prescribed in the legislation does not exist.

Boaters' Perception of Access

Little recent information exists on a national level regarding boating access needs from the boaters themselves. The focus of this assessment was on the effectiveness of *SFR funding* to improve and provide boating access, not on the overall issue of boating access. To effectively measure boaters' perception of SFR funding would require that they be able to differentiate between boating access related to SFR funding and boating access provided through other programs. Various outreach efforts, some in localized areas, have attempted to increase the awareness of anglers and boaters of the overall SFR program and program symbols, with mediocre success. Because of this, the Assessment Subcommittee determined that attempting to question boaters on their perceptions of only the SFR portion of boating access funding would be of little value, and that a

comprehensive evaluation of boaters' perceptions on the general topic of boating access was beyond the scope of this assessment. However, since boaters are the beneficiaries of the SFR boating access program, it is worthwhile mentioning some of the opinions gleaned from third-party studies.

Perhaps the most comprehensive characterization of boaters can be found in the "National Recreational Boating Needs Assessment Survey" completed in 1997 by the International Association of Fish and Wildlife Agencies⁶. During the one-year study period (1996–97), 21% of the survey respondents indicated that they had stopped using one or more boating access sites. Of the reasons cited for stopping their usage, 51% related to the facilities themselves (including physical infrastructure, user conflicts, crowding, etc.) and 45% related to non-facility reasons (including social factors such as changing residence, vacation destinations, etc).

More recently, Responsive Management, Inc., conducted a nationwide telephone survey of 1,308 registered boaters in August–September 2008 to assess satisfaction with their boating experience during the previous five years. Seventy-eight percent indicated that boating access issues had not taken away from their enjoyment of boating, while 19% indicated that it had to some degree. Separating out only motorboats (not including personal watercraft) showed similar patterns, with 79% of those owning motorboats 16'–26' in length and 86% of those owning motorboats greater than 26' in length indicating that access issues had not taken away from their enjoyment.

In a 2000 literature review of factors related to boating participation in the U.S., Responsive Management concluded:

"...boat owners do not report lack of access as a major issue in reasons for not boating more often. Less than 10% of boat owners report having difficulty finding boating access (NMMA 1996). Increased access does not appear to be among the major issues desired by recreational boaters from the boating industry (Roper Starch 1998).

In several Responsive Management studies...most boaters rated boating access in their state as good or excellent."⁷

In an informal and unscientific survey of 3,000 (boating and non-boating) anglers via the Web survey site anglersurvey.com in 2009, 22% of anglers indicated that "access to water" was "the biggest problem facing fishing today."⁸ Note that this response does not identify the nature of access problems, and it could include boat access, shore-based access, no-fishing zones, and many other reasons. In a follow-up to the same audience, the question was asked "what types of access problems have you encountered in the last 12 months?" Fifty-one percent indicated no problems, while 24% indicated that lands

⁶ Source: Hagler Bailly, Inc. 1997. The National Recreational Boating Needs Assessment Survey. Prepared for the International Association of Fish and Wildlife Agencies, Washington, D.C. 116 p.

⁷ Duda, M.D., V.L. Wise, W. Testerman, S. J. Bissell, and A. Lanier. 2000. Factors related to recreational boating participation in the United States: A review of the literature. Responsive Management, Harrisonburg, VA USA. 121p.

⁸ Personal communication. Robert I. Southwick, July 2009.



PHOTO CREDIT: OREGON STATE MARINE BOARD

A national-level survey of boating needs as prescribed in the 1998 SFR legislation does not exist and needs to be completed.

(presumably providing access) had been closed to the public. Problems related to boat access infrastructure included “boat ramps are too crowded” (19%) and “not enough boat ramps are available” (17%). Note that responses are not additive since respondents could choose multiple answers.

Based on these studies, access to the water does not seem to be a major impediment to boating activity on a nationwide basis. How much of this satisfaction can be attributed to the expenditures from the SFR program since 1985 is unknown. These nationwide averages, however, should not overshadow the fact that in specific localities (regions, states, waterbodies, etc.) access may indeed be an issue. In each of the aforementioned studies, approximately one in every five boaters had difficulties with access, but the geographic grouping (or dispersion) of these access-related complaints is not known. Further, based on the 1997 “Needs Assessment,” approximately one-half of the reasons that boaters stop using access sites are related to issues with the facilities, such as infrastructure or insufficient facilities to meet demand. This uncertainty about where boating access problems are occurring highlights the need for additional studies to identify where access is a problem and the investments needed to rectify these problems.

The fact that the latest comprehensive national level survey of boating needs (cited above) was completed more than a decade ago further reinforces the urgency to complete that which was mandated in 1998. In a December 3, 2009, letter to Service director Sam Hamilton, SFBPC chair Ryck Lydecker reinforced the continuing need to complete a national-level recreational boating needs assessment (Appendix E).

FINDING: A national-level public boat access needs assessment as prescribed in the *1998 Sportfishing and Boating Safety Act* does not exist.

RECOMMENDATION 8: The Service should complete the national-level public boat access needs assessment as prescribed in the *1998 Sportfishing and Boating Safety Act*.



PHOTO CREDIT: RONA PROUDFOOT/FLICKR.COM

ASSESSMENT SUMMARY

Passage of the boating access provisions (Wallop-Breaux amendments) of the *Sport Fish Restoration Act* 25 years ago has certainly enhanced the access to public waterways for recreational boaters throughout the nation. This assessment has concluded that the SFR boating access program is meeting its legislative intent, that the program implementation and administration are performing well, and that there are few redundancies in the program (i.e., it is not doing anything that it doesn't need to do). Overall, there are few deficiencies evident in the program. However, while the majority of state agencies still rely heavily on this funding to meet the needs of their recreational boating constituencies (and some could even use more funding), some minor modifications would help to make the program more effective for meeting the needs of modern-day boaters. Most significant among these modifications would be to revisit the list of eligible activities (with full involvement of state agencies and representatives of boating constituencies) to ascertain the need for expanding or clarifying the activities that can be funded with SFR access funds.

Perhaps the most substantial improvement that can be made is not with the implementation of the program itself but with the reporting of accomplishments and project locations. Innumerable stories of the success of this program are available from every state and territory that has received funding, yet there is no comprehensive regional or national-level reporting mechanism that will allow boaters and policy makers to quickly identify project sites (i.e., access sites) in their areas that have enhanced recreational boating. Considering that this finding was highlighted in earlier assessments of the BIG and CVA programs, it should be quickly and effectively addressed.

The Assessment Subcommittee recognizes that some of the recommendations made within this assessment may be affected by the policy manual chapter on boating access that the Service is currently developing. We encourage the Service to consider the recommendations herein in future revisions of that chapter.

Twenty-five years following the implementation of dedicated and consistent funding to improve boating access, the American public's access to the nation's waterways for recreational boaters has been greatly improved. The program is on a strong footing to continue this track record of success, and with slight changes, will be even better positioned to meet the demands of recreational boating for the 21st century.



PHOTO CREDIT: ANDREW LOFTUS



PHOTO CREDIT: BOATU.S.

APPENDICES

Appendix A. Detailed Legislative History of the Boating Provisions of the *Sport Fish Restoration Act*⁹

The genesis of federal involvement in developing boating infrastructure lies with the *National Recreational Boating Safety and Facilities Improvement Act of 1980*, also known as the *Biaggi Act*. The legislation provided for a portion of federal excise tax receipts attributable to motorboat fuel use (that formerly had been allocated to the Highway Trust Fund for road construction and improvement) to be transferred to the Recreational Boating Safety account. The Act authorized \$10 million from this account for boating safety programs and \$10 million for facilities construction and improvement. Although funds for facilities were authorized, Congress never appropriated money for this purpose.

In July 1984, through the leadership of Senator Malcolm Wallop and then Congressman John B. Breaux, the *Biaggi Act* was incorporated into an amendment to the *Sport Fish Restoration Act* and was passed later that year as part of the *Deficit Reduction Act of 1984*. On July 18, 1984, public law 98-369 was signed by President Reagan ending the long struggle leading to this expansion. In recognition of Senator Wallop and Congressman Breaux, the act took on their names and became known as the Wallop-Breaux Amendment. The major component established a new trust fund named the Aquatic Resources Trust Fund (the Wallop-Breaux Trust Fund) that was divided into two accounts: 1) the Boat Safety Account; and 2) the Sport Fish Restoration Account. Among other provisions, the Wallop-Breaux Amendment retained the collection of fuel tax revenues attributable to motorboats. The Amendment mandated that each state spend at least 10% of its annual apportionment on development and maintenance of boating access facilities. A broad range of boating access projects were eligible for funding, including construction of boat ramps and lifts, docking and marina facilities, breakwaters, fish cleaning stations, restrooms, and parking areas.

Provisions of the Wallop-Breaux Amendment required spending from the Boat Safety Account to undergo reauthorization after three years of enactment. Only the Sport Fish Restoration Account retained the “permanent appropriation” language of the original *Sport Fish Restoration Act*. Since motorboat fuel taxes collected in the Boat Safety Account that are in excess of the appropriated amount flow automatically into the Sport Fish Restoration Account, reauthorization affected the amount of money going to states for sport fishing and boating access projects. Unlike the Sport Fish Restoration Account, which is administered by the U.S. Fish and Wildlife Service, the Boat Safety Account is administered by the U.S. Coast Guard.

The reauthorization bill was introduced into the House Merchant Marine and Fisheries Committee in early 1988. In order to expedite passage, the language was later incorporated into the 1988 Coast Guard appropriation bill, which passed and became law (P.L. 100-448) in September 1988. The new law increased the spending authorization for the Boat Safety Account from \$45 million to \$60 million for fiscal years 1989 and 1990, then to \$70 million for fiscal years 1991–1993.

⁹ Portions of this section are duplicated from: Radonski, G.C. 2000. History of the Federal Aid in Sport Fish Restoration program. In: Rassam, G., A. Loftus, and B. Tyler (eds). Celebrating 50 years of the Sport Fish Restoration program. Fisheries (25)7 (supplement).

Additionally, in order to verify the actual percentage of fuel taxes collected each year attributable to recreational motorboat usage, the 1988 amendments authorized the Secretary of Transportation and the Secretary of the Interior to jointly conduct a survey of 1) the number, size, and primary uses of recreational vessels operating on the waters of the U.S. and 2) the amount of and types of fuel used by those vessels.

Two years later, the 1990 federal budget reconciliation process allowed for 2.5 cents of the newly approved 5-cent increase in federal fuel excise taxes to be deposited to the Highway Trust Fund. The Aquatic Resources Trust Fund, as in the past, received 1.08 percent of these new revenues (although this amount is recalculated every year based on number and type of registered recreational power boats in the nation).

In 1992, President George H. Bush signed the *Oceans Act of 1992*, which contained a number of environmental provisions. *Title V* of the *Oceans Act* was entitled the *Clean Vessel Act*, which included several modest changes to the Sport Fish Restoration legislation. Among those changes were new distribution formulas to equitably distribute the additional motorboat fuel tax. The essential elements of this amendment created the Clean Vessel Program, a new cost-share program that made money available for construction, maintenance, and operation of facilities to handle sewage from boats. The new amendment made \$5 million available for these purposes in FY 1993; \$7.5 million in FY 1994 and 1995; and \$10 million in FY 1996 and 1997. Additionally, an identical amount of spending authority was provided to enhance the state boat safety grants programs.

The amendments also increased the mandatory minimum percentage of state allocations that had to be invested in boating access and facilities projects from 10% to 12.5% for each state. Two changes were included to provide greater flexibility to states for their boating access and facilities projects. First, the act allowed an average state expenditure of 12.5%, measured across a region. The states were also provided five years in which to obligate their 12.5% boating access and facilities monies, again to provide flexibility to accommodate the imposition of the additional planning and permitting burden associated with the development of boating access.

The new funding available since 1985 for boating infrastructure improvements allowed tremendous improvements for boaters. Despite this, most of the funds were applied to constructing and maintaining facilities such as boat launching ramps that serviced primarily small, trailerable boats. Recognizing the need to address facilities for larger vessels, in 1998, the U.S. Congress passed the *Sport Fishing and Boating Safety Act of 1998* (16 U.S.C.777g) as part of the *Transportation Equity Act for the 21st Century*. This act provided \$32 million over four years (\$8 million per fiscal year for 2000–2003) for the sole purpose of installing, renovating, and maintaining tie-up facilities for recreational boats 26 feet and longer and to produce and distribute information and educational materials about the program. Additionally, the 1998 amendments increased the mandated amount that states must spend to 15% from 12.5% for boating access and facility repair. Significantly, the 1998 amendments reauthorized the *Clean Vessel Act* (boat pumpout provisions) originally incorporated in 1992. Finally, the new amendments began to correct what many considered an inequity in the transfer of the motorboat fuel

taxes. Prior to the amendments, the Aquatic Resources Trust Fund received only 11.5 cents of every 18.3 cents in federal gas tax per gallon paid by boaters and anglers. The 1998 amendments increased this to 13.0 cents on October 1, 2001, and 13.5 cents on October 1, 2003.

On August 10, 2005, President George W. Bush signed into law the *Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users Act* (SAFETEA – LU) which made some significant changes to the Sport Fish Restoration Program and reauthorized the *Sport Fish Restoration Act*. The former Aquatic Resources Trust Fund was renamed the Sport Fish Restoration and Boating Trust Fund. With the merging of the Boat Safety Account into this account, provisions included a drawdown of funds in the Boat Safety Account over a five-year period, leading to the closing of this account in FY 2010. For the first time, all federal gasoline taxes attributable to motorboats and small engines would be captured, resulting in an estimated increase in funding revenues from \$472 million per year to approximately \$570 million per year. The permanent appropriation language enjoyed by the Sport Fish Restoration Program was extended to Boating Safety Grants. Significantly, most programs in the new trust fund were funded on a percentage basis (as discussed earlier, some had been capped by a dollar basis) as follows:

- Sport Fish Restoration Grants to States – 57%
- Coastal Wetlands Act (includes COE and FWS Grants) – 18.5%
- USCG Recreational Boating Safety Program – 18.5%
- National Outreach & Communications Program – 2%
- *Clean Vessel Act* Grants – 2%
- Boating Infrastructure Grants – 2%
- Multistate Conservation Grants – \$3 million
- FWS Administration (Flat fee adjusted annually for Consumer Price Index)

Appendix B. Director's Letter Commissioning the SFR Boating Access Assessment



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer to:
PWS/AWSR-FA:036439

MAY 23 2008

Mr. Ryck Lydecker
Chairman, Sport Fishing and Boating
Partnership Council
BoatUS
880 South Pickett Street
Alexandria, VA 22304

Dear Mr. Lydecker:

I am writing in reference to our March 2008 discussion and the willingness of the Sport Fishing and Boating Partnership Council (Council) to review the boating access program authorized under the Dingell-Johnson Sport Fish Restoration Program. As you know, boating access has become an important component of the Sport Fish Restoration Program and significantly contributes to boating recreation and enjoyment throughout our nation. Annual funding has grown over the years and now approaches \$60 million.

Given its growth and contributions and the pending reauthorization of the Sport Fish Restoration Program, it is important to review the boating access program to ensure that it continues to provide maximum benefits to our fishing and boating stakeholders. Assuming the Council agrees to undertake this project, I ask that you coordinate with me to determine the breadth and scope of the review. In addition, I ask that the Council either complete or provide preliminary results of the review by the end of May 2009.

I appreciate the commitment of time and effort the boating access program review will require. Should you need additional information on this request, please contact me at 202-208-1050.

Sincerely,

Assistant Director
Wildlife and Sport Fish Restoration
Program

TAKE PRIDE
IN AMERICA

Appendix C. State Participants in Questionnaire and On-Line Forum

Area	Participant in Questionnaire	Participant in On-Line Forum
AL - Alabama	X	X
AK - Alaska	X	X
AS - American Samoa		
AZ - Arizona		
AR - Arkansas		
CA - California	X	X
CO - Colorado	X	X
CT - Connecticut	X	X
DE - Delaware	X	
DC - District of Columbia	X	X
FM - Federated States of Micronesia		
FL - Florida	X	X
GA - Georgia		
GU - Guam		
HI - Hawaii	X	
ID - Idaho		
IL - Illinois	X	
IN - Indiana	X	X
IA - Iowa	X	X
KS - Kansas	X	
KY - Kentucky	X	
LA - Louisiana		
ME - Maine		
MH - Marshall Islands		
MD - Maryland	X	
MA - Massachusetts	X	X
MI - Michigan	X	
MN - Minnesota	X	X
MS - Mississippi	X	X
MO - Missouri	X	X
MT - Montana	X	X
NE - Nebraska	X	
NV - Nevada	X	X
NH - New Hampshire	X	
NJ - New Jersey	X	X
NM - New Mexico		

Area	Participant in Questionnaire	Participant in On-Line Forum
NY - New York	X	X
NC - North Carolina	X	
ND - North Dakota	X	X
MP - Northern Mariana Islands		
OH - Ohio	X	X
OK - Oklahoma	X	
OR - Oregon	X	X
PW - Palau		
PA - Pennsylvania	X	
PR - Puerto Rico		
RI - Rhode Island	X	X
SC - South Carolina		
SD - South Dakota	X	X
TN - Tennessee	X	X
TX - Texas	X	
UT - Utah	X	
VT - Vermont	X	X
VI - Virgin Islands		
VA - Virginia	X	X
WA - Washington		
WV - West Virginia	X	X
WI - Wisconsin	X	X
WY - Wyoming	X	X

Appendix D. Memo Outlining Eligible Activities



United States Department of the Interior

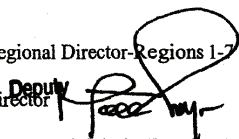
FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer to:
FWS/AMBS/017447

JUN 10 2004

Memorandum

To: Regional Director-Regions 1-7
From: Deputy Director 
Subject: Projects Eligible for Boating Access Funding

The purpose of this memorandum is to provide policy guidance that will be implemented uniformly throughout the Regions regarding projects eligible for funding under the Dingell-Johnson Sport Fish Restoration Act boating access sub-activity 9520. This issue was reviewed by the Joint Federal/State Task Force on Federal Assistance Policy (JTF) during the January 13-15, 2004, meeting of the JTF in Las Vegas, Nevada. The JTF decided a Director's Order on this issue was not necessary. However, the JTF did recommend that the Service provide guidance to the Regions on this issue. This is the Service's guidance that includes a list of examples of activities "away from the dock" that are eligible for boating access funding.

The current regulation regarding boating access in 50CFR80.24 states, "The State shall allocate at least 10 percent of each annual apportionment under Federal Aid in Sport Fish Restoration Act for recreational boating access facilities. All facilities constructed, acquired, developed, renovated, or maintained (including those existing structures for which maintenance is provided) must be for the purpose of providing additional, improved, or safer access of public waters for boating recreation as part of the State's effort for the restoration, management, and public use of sport fish. Though a broad range of access facilities and associated amenities can qualify for funding under the 10 percent provision, ..." Because this guidance is general in nature, this memorandum conveys specific examples of projects "away from the dock" (see Exhibit 1) that are eligible for boating access funds. The list of examples is provided to assist Service and State fish and wildlife agency staff during the development of the Federal Assistance grant agreement.

Note that the most recent minimum percent of each annual Sport Fish Restoration apportionment a State must allocate for recreational boating access facilities was set at 15 percent in 1998 by the Transportation Equity Act for the 21st Century (P.L. 105-178).

If there should be any questions regarding the above policy guidance, contact Kris LaMontagne, Chief, Division of Federal Assistance at, (703) 358-2156.

Attachment



Exhibit 1

Examples of Projects Eligible for Recreational Boating Access Funds Through the Sport Fish Restoration Program.

This exhibit provides a partial list of examples of eligible projects to prompt discussion between Service and State fish and wildlife agency staff during the development of the grant agreement.

- Launching facilities, such as ramps and boat lifts.
- Breakwaters.
- Marinas, including moorage facilities and dockage for transient motorboat users (stopping only briefly, not to exceed 10 days).
- Land acquisition and development of fishing lakes and ponds (providing motorboats can be accommodated).
- Fish cleaning stations.
- Restrooms, sewage treatment facilities, showers, potable water, security lights, trash receptacles, and parking areas associated with the access facilities.
- Pumpout and dump stations.
- Camping facilities at areas accessible only by boat (must be accessible to motorboats).
- Access roads, bridges, signals, and other requirements to provide the public access to boating facilities.
- Engineering costs (planning and construction) as well as the costs of environmental assessments and permit applications.
- Water rights for the purpose of securing boating access.
- Dredging, stump removal, and aquatic weed control when activity can be shown to clear lanes to make water body more accessible primarily for recreational motorboats as opposed to general navigation.
- Navigational aids in the immediate area of access facilities.
- Operation and maintenance of access facilities (note, Federal Assistance funds cannot be used to operate or maintain properties or facilities purchased or constructed under the Land and Water Conservation Fund Act [16 U.S.C. 4601-8]).
- Signage for effective use of access facilities and recognition of Sport Fish Restoration Program.
- Publication of guides, brochures, maps, road signs, Internet sites, and other aids to inform boaters of access sites.
- Projects that compensate/mitigate for natural resource losses caused by an eligible activity.



Appendix E. Letter from the Sport Fishing and Boating Partnership Council to the Service Director on the Conduct of a Boating Needs Assessment



Sam Hamilton
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Mailstop 3012
Washington, D.C. 20240

DEC 03 2009

Dear Director Hamilton,

It has been my pleasure to serve as Chair of the Sport Fishing and Boating Partnership Council over the past two years. Now, as the 2007-2009 term draws to a close, I write to bring to your attention to an action item that the next Council will need to address: the lack of a comprehensive recreational boating needs assessment.

Over recent years, the Council has been keenly interested in boating-related programs within the Fish and Wildlife Service. We have spent significant time and effort examining issues and programs, within the FWS, focused on recreational boating. In 2006, at the request of the FWS, the Council completed the first-ever programmatic assessment of the Boating Infrastructure Grant Program. A key recommendation from that effort was that the Service complete an inventory "to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats" as called for by the Congress in the 1998 Sportfishing and Boating Safety Act. Such a needs assessment would guide states in providing future boating infrastructure, as well as provide a catalog of existing boating access sites. While the FWS attempted to establish a process for completing this needs assessment in 2002, the assessment was never completed. As stakeholders who support the integrity of these funding programs, a process for periodically reporting the actual location and number of projects accomplished through this and other grant programs is essential.

For this reason, the Council voted at its last meeting to request that the Service review this issue in light of the 1998 Sportfishing and Boating Safety Act. We would like feedback from the FWS explaining: what actions the Service has undertaken, to date, to implement that portion of the law; what impediments to completing the task may exist; and how the Service intends to proceed with the task called for in the Act.

More broadly, programmatic assessments that have or will soon be completed on the boating programs funded through the Federal Aid in Sport Fish Restoration Program draw attention to the need for consistently reported, national data that succinctly capture the outcomes of Federal dollars invested in boating infrastructure, such as the number and locations of boating access sites or sanitary pumpouts constructed or maintained with Federal dollars. This need is most recently highlighted as part of the Council effort to examine the Boating Access Program funded through the Sport Fish Restoration Program. The team established by the Council to lead this effort has struggled with

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Access

Jeffrey Crane
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Congressional Sportsmen's
Foundation

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Association

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Resources

William Taylor
Professor & Chair
Department of Fisheries and Wildlife
Michigan State University

Rex Anack, ex officio
President
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what appears to be a significant shortcoming: the lack of a comprehensive inventory, with locations and facility details, of access sites constructed, renovated or maintained with SFR dollars.

We raise these issues with you because as we all know, declines in participation in recreational boating and angling have the potential to directly effect conservation funding through the various Sport Fish Restoration Programs. In these uncertain economic times information that demonstrates the success of these programs and helps the fishing and boating public identify facilities developed with their money will go a long way in assuring that the American public will continue to enjoy the recreational opportunities afford by our Nation's rich aquatic resources. Please know that the Council, as well as its participating stakeholder organizations, stand ready to assist the Service in developing a strategy to meet the requirement and put the information to good use for the benefit of the American public. The incoming Council will very much look forward to working with the Service on this and will request an FWS briefing on the status and future prospects for completing a recreational boating needs assessment at the first meeting of the incoming Council sometime early next year.

Should you need more information on this matter, please contact Council Coordinator Doug Hobbs at 703-358-2336.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryck Lydecker", with a long horizontal flourish extending to the right.

Ryck Lydecker
Chair

Cc: SFBPC members
Hannibal Bolton
Elizabeth Stevens
Bruce Decker



SPORT FISHING & BOATING
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