



# NATIONAL BOATING FEDERATION

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## NATIONAL REPORT

Alameda, CA – April 22, 2006

**ALAB Meeting 13 March 06** – The American League of Anglers and Boaters (ALAB), which administers the periodic reauthorization of the Wallop/Breaux Trust Fund, met to review the new ALAB charter, nominate new officers and revisit distribution of the newly won 4.8 cent fuel tax. None of these things happened. Chairman Jim Frye indicated the operation would remain unchanged until 2007 and passed out a “Workplan 2006” which, among other things, established national senior and junior fishing licenses. At the first opportunity I made a presentation on the *Boating Community Position for Equitable Funding*, attached. The principal points being that while 55% of revenue is from motor boat fuel taxes, only 18.5 % went to boating safety and that ALAB had failed to honor its commitment to revisit the allocation of funds. The final allocation was as follows:

Sports Fish Restoration	
(includes 15% for boating access)	57%
Boating Safety Grants	18.5%
Coastal Wetland Act	18.5%
Boating Infrastructure Grants	2.0%
Outreach	2.0%
Clean Vessel Act	2.0%

In spite of the evidence presented and favorable comments from other boating groups, the Chairman failed to take any action. His only comment was that the reallocation of funds based on the new revenue “is on the table.” It is clear that the fishing groups control ALAB. It is not clear what the Boat US position is as they did not speak out on this at the meeting.

**National Recreational Boating Safety Coalition** - The Coalition continues to do good work affecting boating legislation Nationwide. To date, 33 states have Mandatory Boating Education. In 46 states we have mandatory PFD use which varies from age 6 and under to age 14 and under, the dominant age being 12 and under. Only one state, Alabama, has operator licensing, which we oppose.

**Rescue 21 System Launched by USCG** – On December 20 the USCG officially accepted and dedicated its advanced search and rescue communications command and control system, called Rescue 21. A dedication ceremony was held at the USCG Air Station, Atlantic City NJ. The first locations to reach full operational capability are Atlantic City, N.J. and Eastern Shore, VA. Other sectors along the East Coast, the Gulf and then the West Coast will be implemented incrementally in the coming year. With Rescue 21, the Digital Selective Calling feature on our VHF marine radios will be activated. The radios must be registered to obtain a Mobile Maritime Service Identity (MMSI) number. When the DSC button is activated the identifying information is automatically broadcast over channel 70 which is reserved for DSC transmissions. We encourage all the boating community to upgrade their VHF radios in order to benefit from the new system.

**LORAN C – Coast Guard Seeks Closure** – In its FY07 budget request, the US Coast Guard has cited savings by decommissioning LORAN operations nationwide. It is trying to get a decision enabling shutdown beginning Jan 1, 2007. This, in spite of the fact that Congress has recently appropriated \$160M to modernize the Loran stations, improving their performance and making them less manpower intensive. While many are now using GPS, LORAN serves as a backup to GPS, is used by general aviation and as a master timing source for a number of other applications. NBF has successfully supported continuation of LORAN and we continue to believe it should be maintained as a National asset. We have written key members of Congress on this as has CBYCA and other members. We have gotten positive responses from Chairman Frank LoBiondo and I have heard from Senator Barbara Mikulski who was very helpful.

**U.S. Coast Guard News** – The U.S. Coast Guard is adding harm to the environment as a reportable marine casualty. The requirement to immediately report a marine casualty that involves significant harm to the environment will apply to: (1) any vessel on navigable waters of the United States; (2) any U.S. Vessel wherever such casualty occurs; and (3) any foreign tank vessel operating in the U.S. exclusive economic zone (EEZ). The rule came into effect on January 17, 2006.

The U.S. Coast Guard issued a press release stating that it has completed the investigation of the November 2004 oil spill from the tanker ATHOS I in the Delaware River. The report concludes that the tanker came into contact with a submerged anchor. There was no evidence that any violation of applicable international rules, Federal law, or regulations contributed to this incident. Cleanup took over one year and cost in excess of \$150 million.

President Bush has nominated and the Senate has approved Vice Admiral Thad Allen to serve as the next Commandant of the U.S. Coast Guard. VADM Allen will relieve current Commandant Admiral Thomas H. Collins when he retires in May. From Holland & Knight.

Finally, on March 23, 2006, I attended Admiral Collins' final *State of the Coast Guard Address* which was excellent.

**Boating Access, A Growing Problem** – We are seeing access to our waterways continue to diminish in many areas of the country. This is especially true in Florida where developers are purchasing marinas, launch ramps, and boat storage facilities and building condominiums. A boat haul out and repair facility in Key West is threatened and if closed the nearest alternative would be Ft. Lauderdale or Cuba. In Virginia, several facilities are under threat or actually in reconstruction. The Old Dominion Boat Club was threatened with a declaration of Eminent Domain by the City of Alexandria. The ODBC is in negotiation with the city. The Tides Lodge marina in Irvington VA is scheduled for closure and condominium construction. At Windmill Pt. marina, at the mouth of the Rappahannock, all boats have been moved away and construction started on a new mixed use facility. It is not clear what the answer is to this trend except perhaps legislation limiting development of public facilities on our waterways.

Exacerbating this problem is the recent Supreme Court decision in *Kelo vs New London CT*. This decision allowed the city to seize private property and transfer the land to a private developer. This ruling was widely criticized but could provide incentive to other municipalities to take similar actions. Meanwhile the House has passed a bill; the Private Property Rights Protection Act of 2005, H.R. 4128. This act would prohibit states and municipalities that receive Federal economic development grants to exercise its power of eminent domain. The bill has passed the House and been referred to the Senate Judiciary committee.

Based on the actions stated above, emphasizes the need to complete the NBF position statement in support of limiting the Supreme Court holding in *Kelo vs New London* as agreed in our last meeting.