

Pennsylvania Fish & Boat Commission Report

John A. Arway, Executive Director

www.fishandboat.com



A Declaration of Independence

A Declaration of Independence is an assertion of being freed from outside control or governed by another entity. It is fitting that I write this article for the July/August edition of On Target since the United States Declaration of Independence was adopted by the Second Continental Congress meeting at the Pennsylvania State House (now known as Independence Hall) in Philadelphia on July 4, 1776, 242 years ago.

The United States Declaration announced that the 13 American colonies at war with the Kingdom of Great Britain would now regard themselves as 13 independent sovereign states no longer under British rule. With the Declaration, these states formed a new nation—the United States of America.

Almost 100 countries and individual

states have declared their independence throughout the course of history (https://en.wikipedia.org/wiki/Declaration_of_independence).

The Pennsylvania General Assembly created an independent Board of Fish Commissioners when it passed the Administrative Code of 1923, 95 years ago. Prior to that time, the name of the agency was the Department of Fisheries, most likely a part of the Executive Branch of government within the Governor's Office and funded solely by general funds.

The legislature also created a funding mechanism for the Commission when it created the first non-resident fishing license in 1919 (50 were sold for \$5.00 apiece) and the first resident fishing license in 1922 (203,061 were sold for \$1.00 apiece).

These actions taken by our forefathers created a user pay/user benefit model of state government that was totally self-sufficient and still exists today.

In 1980, the Title 30 of the PA Consolidated Statutes underwent a major recodification to become Act 1980-175 more commonly known as the Fish and Boat Code. Section 301(a) of the Code explicitly says that “The Pennsylvania Fish and Boat Commission is continued as an independent administrative commission and shall consist of ten competent citizens of this Commonwealth who shall be appointed by the Governor by and with the advice and consent of a majority of the members elected to the Senate.”

Furthermore, §302. Executive Director. (a) Appointment and compensation states that “The Commission shall ap-

point to serve at its pleasure and, with the approval of the Governor, fix the compensation of an executive director who shall be the chief executive officer of the Commission and attend to its administrative work and have charge of all activities under the jurisdiction of the Commission.

The executive director shall be the chief Waterways Conservation Officer of the Commission and shall have charge of, direct, supervise, and control all Waterways Conservation Officers, Deputy Waterways Conservation Officers and employees of the Commission. No member of the Commission nor any person who has served as a member thereof within one year shall be eligible for appointment as executive director.”

This continues to be the governance structure of the agency that effectively and efficiently protects, conserves and enhances the Commonwealth's aquatic resources and provides fishing and boating opportunities.

In 1923, the Pennsylvania General Assembly saw the need to “separate” the Pennsylvania Fish & Boat Commission (PFBC) from the rest of state government. Then, in 1980, it reaffirmed the decision to keep the Commission independent since the agency had proven successful in earning the necessary revenues through license sales and boat registration fees to meet the expectations of the anglers and boaters it served.

This business model of government continues to be used by all state fish and wildlife agencies across the nation and conforms to the North American Model of Wildlife Conservation. This model was developed by sportsmen to de-politicize decisions related to fish and wildlife management by disassociating those decisions from general funds.

The theory is that if anglers



John with his Granddaughter Genevieve on Mentored Youth Trout Day on Bald Eagle Creek

and boaters pay directly for conservation and recreational goods and services, then fish and wildlife agencies can be managed by fish and wildlife professionals using sportsmen's funds and only answer to the sportsmen.

The model has worked well over time while participation trends were rising, so funding levels kept pace with general inflation and other expenses. Unfortunately, we are now at a time when expenditures will exceed revenues, so choices must be made about whether revenues should be increased or costs reduced.

Some states have already departed from the North American model since some state legislatures have supplemented state fish and wildlife agency budgets with alternative revenues with other sources of

general funds. Unfortunately, that has yet to occur in Pennsylvania despite efforts by some legislators to come to the aid of anglers and boaters.

This legislative session, Senate Bill 30 was introduced and would delegate the authority to set license fees to the Commission. The bill quickly passed the state Senate last fall but continues to languish in the House Game & Fisheries Committee without discussion or action unless anglers and boaters speak out.

It has come time for anglers and boaters to stand up and again declare indepen-



dence, so the Commission can get back to the business of what we do best—protecting and managing the Commonwealth's fish and aquatic resources to best serve the interests of Pennsylvania anglers and boaters.

Your Director,
><(John {°>

PFBC

Joint Budget & Finance Committee Water Use Fee Report Lays Groundwork For Further Discussion

The Joint Senate-House Legislative Budget & Finance Committee Wednesday released a new report-- Feasibility of Establishing A Water Use Fee In Pennsylvania Report-- that lays the factual groundwork for discussing one funding option Pennsylvania members of the Chesapeake Bay Commission pointed to as possible source of funding for a new Pennsylvania Clean Water Fund.

The report outlines the basic facts of consumptive and nonconsumptive water uses in Pennsylvania as of 2015 by industry, business, agricultural and water supply sectors.

Pennsylvania withdrew 25.8 trillion gallons of water from surface and groundwater sources across 11 user sectors in 2015.

John Arway, Executive Director of the Fish and Boat Commission, provided written comments as part of the report which included this introduction--

"The establishment of a water use fee in Pennsylvania has been a professional and personal goal of mine for most of my 38-year career with the Commonwealth.

"Since becoming executive director of the PFBC in 2010, I have tried to bring attention to this issue and in 2011, I authored an article in the Pennsylvania Angler and Boater Magazine titled: Highway Robbery.

"In the article, I called attention to the uses and amounts of water that are withdrawn from Pennsylvania waters.

"Therefore, on behalf of the Commonwealth's anglers, boaters, fish, aquatic species and citizens, I thank you for a comprehensive LBFC Feasibility Study which examines, in great detail, the sources, uses, withdrawals and possible compensation rates.

"Your study assembled a significant amount of data and provides excellent materials to further inform and engage the public and lawmakers on this important topic.

"When water is withdrawn from a Commonwealth stream, lake, river or from beneath the ground's surface and used by man for other purposes, it takes away a certain amount of water from other uses.

"Our Commonwealth's water resources are "the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." (Section 27, Article I of the Pennsylvania Constitution).

"As perhaps one of the oldest Commonwealth agencies whose original charter was to restore American shad runs to the Susquehanna River and protect native

brook trout from the sediment pollution occurring because of the large-scale logging of our landscape, the PFBC traditionally represents the Commonwealth as the trustee for our fish and aquatic life resources.

"These are the very resources which provide fishing and boating opportunities for over 1.1 million anglers and over half a million boaters.

"Our Commonwealth anglers spend over \$12 billion annually in Pennsylvania's economy and have a vested interest in how water is used and regulated since the growing demand for water has the potential to seriously affect the sports of fishing and boating.

"Water is truly a Commonwealth asset, should be regarded as a commodity of economic value, and not a Commonwealth good which is freely given away.

"It is important that all people understand the scope and scale of how various water uses and withdrawals impact the environment, as well as the species and humans which rely on water to live."

Arway's letter, which starts on page 194 of the full report, goes on to describe why compensation for water use should be provided to the Commonwealth and its regulatory and natural resources as trustees of what he called "Pennsylvania's most valuable natural resource."

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