

Straight TALK

by John A. Arway

Executive Director
Pennsylvania Fish & Boat Commission

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 the *Pennsylvania Angler & Boater* magazine 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



photo-Commissioner Eric C. Hassar

Pennsylvania Fish & Boat Commission Executive Director John A. Arway.

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 appoint 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



The White House, Washington D.C.

depoliticize decisions related to fish and wildlife management by disassociating those decisions from general funds. The theory is that if anglers 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 independence, 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,

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https://en.wikipedia.org/wiki/Declaration_of_independence



The mission of the Pennsylvania Fish & Boat Commission is to protect, conserve and enhance the Commonwealth's aquatic resources, and provide fishing and boating opportunities.

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