



RBOC
Protecting your boating interests.™

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Issue Overview MARCH 30, 2016

Key Boating Facts

- There are approximately 800,000 recreational boats in California, and about 2.4 million recreational boat operators.
- The state's recreational boaters pay tens of millions of dollars annually in fuel tax dollars and registration fees that support the Division of Boating and Waterways, State Parks, the Department of Food and Agriculture, local boating law enforcement, and boating infrastructure by government and the private sector.
- The total annual economic impact of recreational boating in California is over \$8.5 Billion*
- There are over 3,000 recreational boating industry businesses in the state, supporting over 70,000 jobs*

**Source: National Marine Manufacturers Association, in conjunction with the Recreational Marine Research Center at Michigan State University*

Who We Are - RBOC

RBOC is the nonprofit governmental advocacy organization that works to protect and enhance the interests of the state's recreational boaters before the legislative and executive branches of state and local government.

RBOC is in its 48th year as a statewide organization, and since 1968 it has continued its commitment to promoting the enjoyment, protection, and responsible use of our waterways.

RBOC is a nonprofit public benefit corporation that works to:

- Promote the recreational use and development of the waterways of the State of California;
- Support before government the enactment of statutes, regulations and policies to promote and enhance the interests of the recreational boaters of California;
- Promote cooperative action in advancing the common interests of the recreational boaters of California before government; and
- Provide a forum for the identification and discussion of issues of concern which are common to the recreational boaters of California.

Vessel Operator Certification

RBOC is working with the Division of Boating and Waterways as it implements a new requirement that operators of boats powered by engines pass a state-approved course and obtain a certificate. The Division is identifying individuals to be named to an advisory committee to establish the fees to be charged for the certificates.

The requirement will begin to phase in over a seven-year period starting in 2018.

RBOC supported the legislation, SB 941 [Monning-DeSaulnier, Chapter 433, Statutes of 2014].

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Abandoned Watercraft Abatement Fund [AWAF] - AB 2092 [Frazier]

RBOC is opposed to AB 2092 [Frazier] as introduced unless the bill is amended so that recreational boaters' funds will not be used to rid the waterways of abandoned commercial vessels.

This bill proposes to open up the use of boater-generated fuel tax dollars and registration fees for the cleanup of abandoned commercial vessels. At issue is the integrity of the RBOC-supported Abandoned Watercraft Abatement Fund [AWAF] and Vessel Turn-in Program [VTIP]. This program provides funds to public agencies to remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects which pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

As part of its commitment to provide clean, safe and enjoyable recreational boating on California's waterways, the Division of Boating and Waterways [DBW] administers this statewide program. It allows public local agencies to apply for funding and upon approval, enter into a contract grant agreement with DBW.

The AWAF and VTIP, enacted in 1998 and 2010 respectively, have provided millions of dollars in grants, and have enabled the removal of thousands of vessels and other marine debris. The Governor has proposed a budget of \$1.75 million for the program in next year's budget, and we understand that the monetary requests of grant applicants greatly exceed the available funds.

RBOC is concerned that AB 2092 would open up AWAF and VTIP to commercial vessels. In particular:

- Commercial vessels are much more expensive to clean-up and **the cost of one vessel could exceed the entire fund.**
- The owners of **commercial vessels do not contribute to the fund**— only recreational vessel owners do.
- The **demand for clean-up of recreational vessels already exceeds the amount of available funds.** These vessels should remain the top priority at this time.
- There have been no comprehensive studies of:
 - ⇒ The extent to which abandoned commercial vessels represent danger on the waterways;
 - ⇒ Whether the owners of abandoned commercial vessels can be identified and assessed cleanup costs; and
 - ⇒ Whether there are other alternatives to tapping into the recreational boater-funded program, such as state recycle and superfund dollars.

Boating Under the Influence—AB 1829 [Levine]

RBOC is supporting AB 1829 [Levine] that would clarify the boating under the influence law.

Existing law requires the arrested individual to be informed that a refusal to submit to, or failure to complete, the required chemical testing may be used against the person in court and that the court, upon convicting the arrested individual, may impose increased penalties for his or her refusal or failure.

This bill would instead require the arrested individual to be advised that:

- A criminal complaint may be filed against him or her for operating a vessel or water-related device while under the influence of an alcoholic beverage or any drug, or both;
- He or she has a right to refuse chemical testing; and
- The officer has the authority to seek a search warrant compelling him or her to submit a blood sample.

Non-Native Aquatic Species

“Non-native aquatic species – plants, fish and animals—are invading California’s coastal and inland waters. These pests can increase dramatically under the right conditions, displacing native species, clogging waterways, and impacting navigation and recreation. Once introduced, they are nearly impossible to eliminate.

“Hydrilla, Egeria densa, Water Hyacinth, Asian Kelp, and Quagga and Zebra mussels are some of the nuisance species that can be accidentally transported by recreational boaters when caught in propellers or intakes or attached to hulls. Controlling these



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aquatic invasive species is a multi-million dollar problem in California.”

Source – Division of Boating and Waterways, California Department of Parks and Recreation.

RBOC is supporting the dedicated efforts of the Division of Boating and Waterways to identify and commit the necessary resources to combat non-native aquatic species, and to develop and implement long-term strategies that can be more effective than past efforts.

RBOC is supporting the efforts of the Governor’s administration to dedicate additional resources within the state budget to these efforts. While \$4 million in boater-generated funds have been identified and are being utilized, it is important that other stakeholders and beneficiaries contribute financially in these efforts.

Barriers to Navigation

It is the policy of RBOC to advocate to protect the rights of recreational boaters to assure access to the navigable waters of the United States and the State of California. RBOC supports continued access and navigation by recreational boats on the waters of the California Delta wherever any control structure (such as, but not limited to gates or barriers whether temporary or permanent) is planned and placed across a navigable Delta waterway.

RBOC seeks assurances that as any changes are contemplated to further alter Delta navigable waterways, alternatives are identified and implemented to the satisfaction of RBOC that will best preserve and sustain recreational boat passage at each location.

Consistent with this policy, RBOC seeks to have operable boat locks installed as an integral design component to mitigate for the placement of any control structure across any navigable Delta waterway. All control structures and boat locks or other alternatives satisfactory to RBOC for recreational boat passage are to be installed, maintained and operated without cost or expense to recreational boaters.

- **California Water Fix “Delta Plan”** – it is evident to RBOC that implementation of the proposed actions and measures set forth in the California Water Fix’s Delta Plan and EIR/EIS process will result in major short-term and long-term alternations and impacts to existing Delta waterways utilized by all types and sizes of boats—recreational, emergency responders, and commercial.
 - ⇒ Depending upon which actions and measures are implemented, there will be adverse impacts that constrain and in many instances even prohibit recreational boaters and emergency responder vessels accessing and utilizing existing Delta waterways.
 - ⇒ This includes not only adverse impacts during the estimated decade-long construction period but thereafter as well depending upon which action measures and/or alternatives or segments of any are implemented at any time.
 - ⇒ The plan in many ways results in irreversible changes to access and enjoyment of Delta waterways and its ecosystem relevant to recreational boating, marinas, boat ramps and other destinations accessible by water. Unless fully mitigated, RBOC opposes the actions of the California Water Fix “Delta Plan” and EIR/EIS to modify any Delta waterway.
- **Research** – RBOC supports AB 501 [Levine]. The bill would require that state-funded environmental research in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary be shareable and made available to the Delta Science Program. This will enhance communication and transparency among Delta researchers and provide the Delta Science Program with open access to research data.

Renewable Fuel Standard – Federal Legislation

RBOC is working together with the respected national boater advocacy organization BoatUS in support of S. 577, the "**Corn Ethanol Mandate Elimination Act of 2015**" which is authored by Senators Diane Feinstein and Pat Toomey.

For years, our national representative BoatUS has been battling in Washington to make sure boaters can buy gasoline that works properly in their boat engines. And while BoatUS has long recognized that renewable fuels are a key part of America’s energy mix, it continues to work to reform the government fuel mandate that forces higher levels of ethanol in gas; levels beyond 10%, which can void boat engine warranties.