

New Hampshire State Police Marine Patrol Unit



Captain Tim Dunleavy-Retired

New Hampshire Grant Dollars

- United States Coast Guard conducts program reviews for all state agencies receiving trust fund grants from the Office of Boating Safety.
- Trust Fund was established in 1950 through the Dingell-Johnson Sportfish Restoration Act and the Wallop-Breaux Act in 1984.
- Grant funds are available to the 50 US States and 6 territories through the Sportfish Restoration and Boating Trust Fund.
- Recipients must pass state laws in order to receive these federal grant dollars.
- NH State Police received \$1.45 million in 2022.

Dingell-Johnson Tax Revenue Sources

- Gas (motorboats): 57%
- Gas (small engines): 15%
- Domestic fishing equipment: 14.5%
- Import duties (boats, fishing tackle): 6%
- Interest: 7%
- Electric outboard motors: 0.5%



Federal Guidelines

46 U.S.C. §12307. Regulations on numbering and fees.

- The authority issuing a number under this chapter may prescribe regulations and establish fees to carry out the intent of this chapter. The fees shall apply equally to residents and nonresidents of the State. A State issuing authority may impose only conditions for vessel numbering that are—
 - (1) prescribed by this chapter or regulations of the Secretary about the standard numbering system; or
 - (2) related to proof of payment of State or local taxes.

Federal Guidelines

33 C.F.R. 174.31 Terms imposed by States for numbering of vessels.

- A State numbering system may condition the issuance of a certificate of number on -
- (a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States; or
- (b) Proof of liability insurance for a vessel except a recreational-type public vessel of the United States; or
- (c) The payment of State or local taxes, except for a recreational-type public vessel of the United States.

New Hampshire Collects Revenues

270-E:5 Registration Fees. –

II. In addition to the fees required by paragraph I there shall be the following registration fees:

\$9.50 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25. \$997,500.00

Have you seen an AQUATIC INVASIVE PLANT lurking in the water or hitchhiking on a boat, trailer, or other recreational gear?

Curly-leaf Pondweed  Credit: B. Walstrom <ul style="list-style-type: none">Leaves are somewhat stiff and wrinkled, approx. 1/2-inch wide, 2 to 3 inches longLeaves arranged alternately around the stem, becoming more dense toward the end of branchesHas small "teeth" along edge of leaf	Eurasian Watermilfoil  Credit: R. Johnson <ul style="list-style-type: none">Feather-like leaves with ends commonly with 12 to 24 pairs of leaflets on each leafLeaves are grouped in whorls (circles) of 3 to 6 leaves around stem	European Naiad  Credit: D. Cameron <ul style="list-style-type: none">Leaves are lime green, very slender, 1-2 inches long with 6-15 "teeth" along edgeLeaves are usually opposite of each other with wide base that tapers to a tipThe brittle, recurved leaves branch profusely at stem	
Fanwort  Credit: NH DES <ul style="list-style-type: none">Underwater leaves approx. 2 inches across, divided into fine branches with fan shapeSubmerged parts slimyFlowering branches grow above surface are small and diamond-shaped	Hydrilla  Credit: R. Videkik <ul style="list-style-type: none">Small leaves (3/4 inch) are bright green and pointed with "toothed" edges3 to 10 leaves arranged in a whorl (circle) around stembranches profusely at surface	Variable Milfoil  Credit: NH DES <ul style="list-style-type: none">Stems are thick and often redSubmerged leaves finely divided, resembling a featherLeaves in whorls (circles) of 4 to 6 around the stemCross section of the stem has pie-shaped air chambers	Water Chestnut  Credit: D. Cameron <ul style="list-style-type: none">Surface leaves are waxy and triangular with toothed edgesSubmerged leaves are feathery and whorled around stalkStems can grow up to 16 ft.Forms dense, floating mats

Report potential invasive species sightings to:
New Hampshire Department of Environmental Services (603) 271-2248

This information is brought to you by the Lake Host Program
info@nhlakes.org
603.226.0299

NHLAKES

New Hampshire Collects Revenues

\$1 for each registration required by this section. The fees collected under this subparagraph shall be paid into the fish and game search and rescue fund established under RSA 206:42.

\$105,000.00



New Hampshire Collects Revenues

\$5 for each registration specified in paragraph I. The surcharge collected under this subparagraph shall be paid into the statewide public boat access fund established under RSA 233-A:13.

\$525,000.00



New Hampshire Collects Revenues

\$2 for each registration for tidal or coastal waters. The surcharge collected under this subparagraph shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.

\$210,000.00



New Hampshire State Police receives notice from US Coast Guard

“Terms & Conditions, and the State RBS Notice of Funding Opportunity, which are binding legal contracts with which all States must fully comply. In order to receive federal financial assistance from the State RBS Program, the state must meet the eligibility requirements from 46 USC 13103(c).

As you requested, I offer the following to clarify the **potential loss of funding** for failure to correct the deficiencies in the Vessel Numbering System identified in this letter. The USCG may, for each non-compliant element, withhold an amount equal to **no more than twenty-five percent** of the total grant allocation a State would normally receive. The New Hampshire total FY22 RBS allocation is \$1,459,350. Any notification for withholding is sent to the head of the Designated State Agency.”

US Coast Guard Guidance Letter to all States and Territories

Issued to all States on July 11, 2022

- The Coast Guard has authority to require the issuance of a certificate of number (CON) and to prescribe regulations to establish fees to carry out the intent of chapter 123. The intent of chapter 123 of Title 46 is to number undocumented vessels. Further, ref (b) permits states to condition the issuance of a CON only for proof of ownership, proof of liability insurance, or [proof] of payment of state or local taxes. Although a fee may be charged for issuing a CON, this fee can only be used to carry out the intent of chapter 123 of Title 46 of the U.S. Code. Further, the issuance of a CON can only be conditioned on what the Coast Guard has expressly prescribed in regulation.

US Coast Guard Guidance Letter

- b. A state may not levy a fee as a condition to receive a CON that *is not* related to the costs associated with issuing the CON. This includes, but is not limited to, financing unrelated state activities and programs like **Aquatic Invasive Species**. If a fee is charged while obtaining a CON that does not fund a program that carries out numbering of recreational vessels, then the associated fee cannot be levied. Unrelated fees need to be bifurcated from issuing a CON.
- c. Further, the condition on the issuance of a CON would still be impermissible if the surcharge is characterized as a tax or surcharge. One of the permitted conditions in ref (a) is proof of payment of state or local tax, not the imposition of a tax itself. For example, proof of payment of a vessel's sales tax is permissible, while imposition of a separate tax on vessel numbering is not.

New Hampshire/NASBLA Efforts

- NH stakeholders met to explore options including legislative study commission. NH House of Representatives-Resources, Recreation, & Development Committee recommended 16-0 to support future legislation. 2023 Bill has been sponsored.

New Hampshire/NASBLA Efforts

State agencies contacted Office of US Senator Jeanne Shaheen to explore federal legislation.



New Hampshire/NASBLA Efforts

At the national conference of the National Association of State Boating Law Administrators (NASBLA) in September, members from eight states met with representatives from the US Coast Guard Office of Boating Safety (Washington DC) to discuss options.



Solutions with Mixed Results

- California implements second decal program with added administrative costs and less than expected revenues- Boating Law Administrator Ramona Fernandez.
- Connecticut has pending legislation for similar program.

QUESTIONS?

