In this issue:

A Note From The President: Preston Smith
SOBA 2019 SAVE THE DATE
2019 Membership Dues
Clean Vessel App Committee
Territories Committee
Boating Facilities Design Handbook Revision
U.S. Fish and Wildlife Service
WSFR Update
RBFF Update
CT Launches Full Size Solar/Electric Pumpout Boat
Ohio Seagrant Update
Washington Seagrant Update
NASBLA News
Association Of Fish And Wildlife Agencies
AMI Update
NMMA Update from DC

SOBA 2019 Annual Boating Access Educational Symposium

SAVE THE DATE!

September 9–12, 2019:
Portsmouth, Virginia

A NOTE FROM THE PRESIDENT: PRESTON SMITH

SOBA Members and Boating Industry Partners:

A couple years ago, my children convinced me to create a Facebook page so that I could keep connected to the world. It has taken some time to understand the technical nuances of this global online social networking platform but I have developed some skills in regards to opening pages, following “friends”, and exchanging messages. Although it is rare that I execute any activity on my “page”, I do enjoy looking at pictures or reading stories from our colleagues taking advantage of outdoor recreational pursuits. Just recently, I saw a picture of Scott Meister’s beloved Boston Whaler being towed away from his former residence as he starts his BIG move to Atlanta. This hit close to home. I have seen via pictures and read of many adventures Scott and his wife have undertaken in this vessel. It is with both sadness (in a good way) and great joy that we wave Scott Meister farewell as President of the SOBA as he embarks on another chapter of his life. Scott has been an energetic and thoughtful President that worked tirelessly to promote the ideals of SOBA. He was involved with the recruitment of many present day board members as well as working diligently to convince me that I should host the SOBA conference for the second time (partnering...
with the Virginia Department of Game and Inland Fisheries). Scott will be dearly missed but knowing that he will remain involved in the programs that we so sincerely love is of good consequence. His employment with the United States Fish and Wildlife Service will be of great benefit both to the state federal program administers but to the general public that utilize the facilities that we all work so hard to develop.

As you may now have guessed, I am the new President of SOBA. Upon Scott’s resignation from the board, the Past-President Janine Belleque serving as the chair of the Nominations Committee performed the required obligations in which to fill the vacant board positions. Trey Cooksey, Texas Parks and Wildlife will serve as the Vice-President, Lorene Reid, Georgia Department of Natural Resources will remain as Treasurer, Mike Wichrowski, Vermont Department of Fish and Wildlife, Nancy Stewart, Minnesota Department of Natural Resources, and Todd Mize, Alabama Department of Conservation and Natural Resources will serve as Members-At-Large. I would like to take this opportunity to welcome Todd to the board. Todd has been a frequent SOBA conference attendee, has served or assisted on numerous committees, and supported Terry Boyd (past SOBA President) when Alabama hosted the 2012 Annual Conference.

In regards to the SOBA 2018 Conference in Duluth, Minnesota, I would like to express my gratitude and appreciation to Nancy Stewart and her colleagues for an outstanding job. The train station museum was wonderful venue. The speakers and vendors all seemed to have a good time. The field trip was spectacular! Although not a boating access person I did enjoy listening to the challenges that each of the projects presented including the efforts made to stem the spread of aquatic invasive species. The best part of the whole conference was just meeting colleagues, making new friends, and learning.

Speaking of conferences, the Virginia Department of Health and the Department of Game and Inland Fisheries will be co-hosting the 2019 event in Portsmouth, Virginia. The Renaissance Portsmouth Hotel is located adjacent to the Elizabeth River, the Portsmouth Naval Station, and mile marker zero on the Intracoastal Waterway. The hotel is also located in the Portsmouth City Historic District (sidewalk community) for those of you who like history and beautiful old houses.

I would be remiss if I did not encourage you to consider hosting a SOBA Conference. Having participated in this process before I can assure you that the SOBA Board is very helpful providing guidance. We all want to put forth the best conference possible. If you feel, as though you lack the staff or resources please consider collaborating with a sister agency or an adjacent state. That way resources can be allocated so that you are not carrying the entire burden.

On behalf of the Board, I hope that you all have a Happy and Healthy New Year!

Sincerely,
Preston Smith
SOBA President

SOBA’S 33RD ANNUAL BOATING ACCESS EDUCATIONAL SYMPOSIUM

by John Kirk — SOBA 2019 Conference Co-Hosts

Greetings from Virginia!

The Virginia Department of Health and Virginia Department of Game and Inland Fisheries are excited to be co-hosting SOBA and the 33rd Annual Boating Access Educational Symposium, to be held September 9–12 in Portsmouth, Virginia.

Please save these dates on your 2019 calendar! To get here you can fly into Newport News-Williamsburg International Airport, Norfolk International Airport or Richmond International Airport. Please be aware there is no shuttle service to the hotel so plan to include ground transportation cost in your preparations.
The conference will be held at the Renaissance Hotel in Portsmouth, Virginia which is located on the Elizabeth River. Most of the events will be centrally located on the second floor of the hotel with a quick walk to eating places in downtown Portsmouth or a $2 exact change ferry ride across the river to Norfolk. You will experience great views of the bustling Naval activity, pleasure boaters, and old and new sailing vessels right from the view of your window.

The conference theme is “Overcoming Challenges and Improving Boating Infrastructure.” As professionals providing access to boaters, we face many challenges from securing locations and agreements to building in rising seas and changing weather. I encourage you to come and share your experiences with your fellow new and old SOBA colleagues and friends. Together we can overcome any challenges that we face, in order to provide great infrastructure and opportunities to our boating constituents.

The conference will be similar in format to recent years with several changes. Monday will be the federal aid workshop primarily focusing on SFR, BIG, CVA, and TRACS with the opportunity to explore either Portsmouth or Norfolk on your own for dinner. Tuesday we will have the welcoming session, updates from the industry, educational sessions in the afternoon and the opening social Tuesday night (a little different from the past). Wednesday we will continue with the educational sessions, the SOBA business meeting and the awards banquet in the evening. For the field trips we are excited to take you for a ride up Virginia’s Eastern Shore to view some great scenery to include a recently renovated boating access site, a CVA and BIG site.

While we are coming together with the emphasis of boating be sure to check out all Virginia has to offer while you are here. Come early and stay late to take in sites such as Colonial Williamsburg and the historic triangle of Jamestown, Yorktown and Williamsburg, Virginia Beach and all the other historical and natural sights Virginia has to offer. Learn more about the area at: www.virginia.org

If you have a specific topic or panel idea that you would like to see discussed in 2019 or if you have a topic you would like to present, send an email to info@sobaus.org.

2019 SOBA MEMBERSHIP DUES

SOBA Membership Dues were emailed out in early November. Thank you to those states that have already paid. If you have not yet paid, or if you have not yet received your dues invoice, please contact Nakia Rounsaville, nrounsaville@nmma.org. If you would like to pay by credit card over the phone please call Nakia at 312-946-6264.

CLEAN VESSEL APP SUBCOMMITTEE

by Mike Wichrowski

Late this past summer, the sub-committee sent out a brief survey to state CVA coordinators in an effort to collect data to inform a discussion scheduled for the 2018 SOBA conference. The survey goal was collect basic statistics on boating sewage disposal facilities, mobile pumpout boat availability, states’ familiarity with the App,
interest in expanding the App nationwide, and anticipated use of App by states. Twenty-six states responded to the survey and here are some of the highlights:

- Pumpouts by state ranged from 2 states with over 400 stationary units to 12 states with 12 or fewer units. The remainder of the states have between 50 and 175 stationary units.
- 42% of respondents were willing to contribute financially to expand the App’s capabilities so it would be more useable by all states
- Preferred use of the App was for displaying pumpout information to boaters
- New features suggested by states: track funding, add features to attract transient boaters (we would need to use BIG funding to add this feature), contact info for marina (already an App feature), option to email marina versus just phone number; desire for mobile pumpout boat tracking

In September at the SOBA conference, the App sub-committee met, along with other SOBA conference attendees, to discuss the survey results and the possibility of expanding the App for nationwide use. There was general agreement that a nationwide version of Pumpout Nav would be a benefit to both state administrators and boaters. However, the age old question of “how will we pay for it” was a common thread throughout the discussion. Clean Vessel Act helped the state of California fund app development, but they are not set up to be a clearinghouse for receiving multiple grants or other forms of funding from multiple entities (states, businesses, or NGOs). Additionally, there does not appear to be an incentive for any one state to take on the task of further app development for the entire country.

Next steps for the sub-committee are to; 1. draft grant language for CVA grant applicants (states) to use for securing outreach and education funds, which will help pay for their own staff to upload marina data into the app with the ultimate goal of having a state’s pumpout data available to boaters; 2. identify an organization willing to receive funding to assist with further app development.

If you have any questions about the subcommittee or how the app can help your CVA program, please contact Mike Wichrowski (mike.wichrowski@vermont.gov). If you have specific questions about the app itself, please contact Adrien Baudrimont (Adrien.Baudrimont@sfestuary.org).

SOBA TERRITORIES COMMITTEE  
by Lorene Reid

SOBA continues to look for ways to be valuable to our membership. One of those ways is to create meaningful committees with outcomes that make a difference. SOBA created the Territories Committee at the end of the 2018 Annual Conference in Alaska.

A reorganizing of a committee’s structure is a reflection of our intent to make the outcomes pertinent. The Territories Committee has been reorganized and split into two distinctive subcommittees. One group will be the Pacific Islands where the uniqueness of the area is unlike any other in the United States. Another unique area is the Caribbean territory consisting of Puerto Rico and the Virgin Islands.

SOBA met with both groups at the conference in Duluth, Minnesota and is scheduling conference calls in the near future. What we found is that the concern and issues are unique and require creativity to come up with solutions.

We invite any of SOBA’s members from the Territories to contact Lorene Reid and be included on this committee: Lorene.reid@dnr.ga.gov or 912-262-3114.

DESIGN HANDBOOK UPDATE  
by Trey Cooksey

SOBA continues to review and revise its Boating Facilities Design Handbook, which will incorporate information previously gathered on the most current design considerations
for paddlecraft facilities. It has been over 10 years since the last version was published, so this revision is intended to address the new designs and construction techniques developed during this time, as well as many of the concepts presented each year at the SOBA National Boating Access conferences. A review of the past conference presentations is underway, and a solicitation for input from the SOBA membership will be sent out shortly. If you have any questions, please contact Ron Christofferson (rchristofferson@azgfd.gov) or Trey Cooksey (Albert.Cooksey@tpwd.texas.gov).

**USFWS WSFR UPDATE**

by Brad Gunn

The Service’s Wildlife and Sport Fish Restoration (WSFR) staff hopes those of you that attended the SOBA annual conference in Duluth found it to be useful and informative!

*Boating Program Updates*

**Boating Infrastructure Grant (BIG) Program:** The Service received 37 BIG Tier 1 and 27 BIG Tier 2 applications from the States, Territories and the District of Columbia for FY 2019 funding. Tier 1 applications are requesting approximately $4.3 million and the nationally competitive Tier 2 applications are requesting approximately $20.9 million in federal FY 2019 BIG funding. We anticipate having approximately $19 million available for BIG this year.

Tier 2 applications are normally reviewed and ranked by a committee made up of Service WSFR grant specialists and industry and state representatives assembled by the Sport Fishing and Boating Partnership Council (Council). Unfortunately, the Council will not participate this year as memberships were vacant pending review and approval of appointment or reappointment of their nominations. Fortunately, SOBA came to the rescue and recommended 3 state agency personnel to us for the review committee. We are pleased to have their participation as it brings state expertise and overall transparency to the review process. Thank you SOBA and to the 3 participants! After the review and ranking of the Tier 2 applications, we will recommend applications to the Service Director for funding. The Service Director makes final grant selections for Tier 1 and Tier 2 funding. We anticipate announcing those selections during March 2019.

**Clean Vessel Act Grant (CVA) Program:** The Clean Vessel Act (CVA) program provides grants to the States, the District of Columbia, and insular areas for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities for recreational boaters and for educational programs that inform boaters of the importance of proper disposal of their sewage. The deadline for FY 2019 applications is December 24, 2018. Application information may be found at Grants.gov. Search for Funding Opportunity Number: F18AS00250. WSFR Regional grant specialists will begin reviewing applications shortly thereafter and the review will continue into the new year with WSFR Headquarters, NOAA, EPA, and Coast Guard and finalize with making recommendations for funding to the Service Director. As with the BIG applications the Service Director makes the final grant selections. We anticipate announcing those selections during May 2019.

**Boating Access Subprogram:** The Boating Access subprogram provides grant funds to the States, the District of Columbia and insular areas fish and wildlife agencies for projects that provide access to America’s waterways by developing new access facilities or renovation and/or improvement
of existing facilities.

Approximately $400,000 reverted at the end of FY 2018 due to not passing through the safety margin and will go back into the Sport Fish Restoration and Boating Trust Fund.

The Training Branch has a Boating Access Safety Margin tutorial planned as part of their Virtual Learning Series. We will get the word out as soon as it is available!

**TRAINING BRANCH INSIGHTS**

**Subrecipient Procurement Standards under a Federal Grant:** In regards to subrecipients, one of the more common questions the Training Branch is asked from State agency personnel is, “What are the procurement standards my subrecipients must follow?” The answer lies in the type of funding provided to the subrecipient to achieve the objective(s). If a subrecipient is paid with non-Federal funds, then it is up to the State agency to follow their State policies and procedures as to whether or not the subrecipient must abide by State-specific rules/regulations in their procurement practices.

When a subrecipient is paid with Federal financial assistance funds, the subrecipient must follow the procurement standards listed under Title 2, section 200.318-326, of the Code of Federal Regulations (CFR) in order to remain in compliance with the terms and conditions of the award. This requirement is clearly stated under 2 CFR 200.317 Procurements by states. “… All other non-Federal entities, including subrecipients of a state, will follow §§200.318 General procurement standards through 200.326 Contract provisions.” These procurement standards became effective for all recipient types beginning with their first fiscal year starting on or after December 26, 2017. Let’s look at some of the key regulatory requirements under these procurement standards.

Under the general procurements standards (2 CFR 200.318) a few key requirements stand out. First, subrecipients must have documented procurement procedures that reflect applicable State, local, and tribal laws, provided these procurements conform to applicable Federal laws. Secondly, subrecipients must maintain written standards of conduct covering conflict of interest (including organizational conflict of interest) and the actions of their employees in selecting, awarding, and administering the contract. Thirdly, subrecipients must avoid acquisition of unnecessary or duplicative items (effort should be focused to consolidate purchases to promote economical acquisitions). Additionally, subrecipients must award contracts only to responsible contractors who possess the ability to perform successfully. Such consideration should be given to integrity, past performance, financial and technical resources, and compliance with public policy.

In terms of competition for procurement contracts (2 CFR 200.319), all transactions must be conducted to promote full and open competition. For example, contractors who develop specifications, requirements, or statement(s) of work must be excluded from competing for such procurements because it violates full and open competition. Subrecipients should not consider geographical preferences in bids or proposals, except in those cases where Federal statutes mandate or encourage geographic preferences. Thirdly, subrecipients must have written procedures for procurement transactions in regards to the solicitation and such requirements that bidders must fulfill when their bids or proposals are evaluated. Lastly, subrecipients must ensure all possible prequalified entities are current to maximize open and free competition during the solicitation process. Regulations in 2 CFR 200.321 requires that subrecipients must also take all necessary steps to assure minority businesses, women’s enterprises, and labor surplus area firms are used when possible.

Regulations in 2 CFR 200.320 provides the characteristics of the five methods of procurements that must be followed. These include (1) procurements by micro-purchases (< $10,000); (2) small purchase procedures costing no more than the Simplified Acquisition Threshold (< $250,000); (3) sealed bids for purchases exceeding...
$250,000; (4) competitive proposal purchases when sealed bids are not appropriate; and (5) noncompetitive purchases (applicable to procurements when the item is only available from one source, an emergency situation, competition is determined to be inadequate, or when authorized by the Federal awarding agency or the pass-through entity.)

Additional guidance may be found in 2 CFR 200.323 as it relates to the requirements to conduct cost or price analysis in regards to contract modifications and revisions. Lastly, subrecipients should be advised that they must make available, upon request of the Federal awarding agency or the pass-through entity, all information related to pre-procurement review, procurement documents, and technical specifications on proposed procurements. Subrecipients may be exempted from such reviews, if they can document that their procurement processes comply with the requirements under 2 CFR 200.

States that subaward Federal financial assistance under the Boating Infrastructure Grant, Clean Vessel Act, and Boating Access programs should advise their subrecipients of the procurement standards associated with Federal funds in order to ensure they remain in compliance with the terms and conditions of the award. Please feel free to contact your WSFR Regional Grants Management Specialist, WSFR Policy, or the Training Branch if you have any additional questions regarding these new procurements standards established by the Office of Management and Budget under 2 CFR 200.

Ryan Oster  
Grants Management Specialist  
WSFR Training Branch  
304-596-3641  
ryan_oster@fws.gov

WSFR POLICY UPDATES

WSFR continues working on the priority task to support States and others in efforts for Recruiting, Retaining, and Reactivating (R3) hunters, anglers, and boaters. We are developing and refining information for eligible activities under the Wildlife Restoration Act, the Sport Fish Restoration Act, and the associated regulations in 50 CFR 80. We are excited for these partnership opportunities to engage in increasing participation in these vital outdoor activities. As we continue to develop information, we ask for help from the SOBA membership. Are there activities that you do to support R3 and you’re not sure if they are eligible? If so, please contact Lisa_Van_Alstyne@fws.gov and share your examples. This will help us to address your concerns and also share information with others who may be having similar questions.

By December 2018, we hope to publish an updated best management practices document to assist Regions and recipients to develop effective third-party agreements for projects where the site of the project is not owned by the recipient. With increased effectiveness of States partnering with third parties to benefit public access for recreational activities, this guidance is needed to ensure all parties are aware of their responsibilities and projects are maintained as expected.

WSFR is also continuing work on several projects to address National Environmental Policy Act (NEPA) compliance. We are awaiting approval to publish our Record of Decision to adopt a NOAA Programmatic Environmental Impact Statement that will help in addressing projects that include coastal restoration. We are also engaged in making better use of NEPA Categorical Exclusions to assist in streamlining the compliance review process — meaning some projects can be approved in a timelier manner. Win — win! WSFR Policy Branch extends the invitation — you do not have to wait for an official comment period to make suggestions or to discuss your WSFR Policy needs. You may contact Lisa at Lisa_Van_Alstyne@fws.gov or (703) 358-1942. Your interaction helps us to learn what would help make Policy more
effective, what issues are complicating your awards and projects, and how we can better serve our partners. We look forward to hearing from you!

**WSFR Headquarters Boating Grant Contacts:**

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**RECREATIONAL BOATING AND FISHING FOUNDATION**

**New RBFF Widget Simplifies Boat Registration Process**

The boat registration and fishing license purchasing process can be difficult to navigate for some consumers, potentially leading to fewer purchases and critical dollars for conservation programs left on the table. To combat this, RBFF has created a simple-to-use widget that can be embedded on any website that directs consumers to the right information they need to register their boat or purchase a fishing license. [READ MORE]

**More Than 50,000 Boats Brought Back to the Water with RBFF Program**

With personalized letters distributed to more than 600,000 owners of lapsed boats, RBFF was able to generate more than 50,000 renewed boat registrations through its Boat Registration Reactivation Program. This year, RBFF partnered with 19 states on the program, which has seen significantly higher-than-average response rates in every year of the program. As is years past, the program is 100% funded by RBFF and only requires minimal staff time from state agency partners. [READ MORE]

**20 Years of R3: RBFF Celebrates Platinum Anniversary**

Twenty years ago, the future of fishing and boating were in jeopardy. Participation was declining and the Recreational Boating & Fishing Foundation (RBFF) was created to help the industry correct its course. Since its founding in 1998, RBFF has utilized nationwide consumer campaigns, partnerships, education, grants and more to bring millions of Americans to the water. The approach is working, and in fact, fishing participation was at its highest level since 1991 according to the 2016 National Fishing, Hunting and Wildlife-Associated Recreation national survey from the U.S. Fish & Wildlife Service. [READ MORE]

**Making Anglers out of Boaters with the Georgia DNR**

Knowing that fishing is the number one activity done from a boat, the Georgia Department of Natural Resources saw an opportunity to recruit and reactivate its boaters and turn them into anglers. The program utilized the DNR’s database of anglers and boaters to create a list of registered boaters without active fishing licenses, totaling nearly 70,000 records. The DNR was able to send
targeted messages directly to these individuals, ultimately selling 1,860 fishing licenses and generating $42,000 in total revenue with Sportfish Restoration Fund dollars factored in.

READ MORE

CONNECTICUT LAUNCHES FULL-SIZE SOLAR PUMPOUT BOAT

The Connecticut Department of Energy and Environmental Protection (DEEP), U.S. Fish and Wildlife Service and Congresswoman Rosa DeLauro, along with the Town of Branford and East Shore District Health Department today launched the world’s first full-size solar/electric pumpout boat which will be used to remove recreational boat sewage from vessels in the Branford River and Branford Harbor starting next Spring.

“The construction of this vessel right here in Connecticut by one of our Clean Vessel Act Partners and a Clean Marina has not only created local green construction jobs, but also has set a new green standard for how work vessels such as this can be powered using clean, renewable energy,” said DEEP Commissioner Rob Klee. “This partnership between the US Fish and Wildlife Service, DEEP, the Town of Branford, the East Shore District Health Department, Yale University and Safe Harbor Marinas embodies everything that we strive for here at DEEP — clean water, clean air, energy efficiency, a healthy marine manufacturing economy, and innovative use of new technology to keep Connecticut businesses competitive.” To read more please click here.

OHIO SEAGRANT UPDATE

by Heather Sheets

Partners Are Essential: A University, Agency, Industry and Clean Boating Approach in Ohio

The Ohio Clean Marinas Program is a proactive partnership between Ohio Sea Grant, the Ohio Department of Natural Resources (ODNR) and the Lake Erie Marine Trades Association (LEMTA) designed to encourage marinas and boaters to use simple solutions to keep Ohio’s waterways clean. The program, launched in 2005 — along with a companion Clean Boater program, launched in 2006 — promotes environmental stewardship and assists in protecting clean water and fresh air for current and future boaters.

The partnership with ODNR broadened in 2015, when two additional staff members were hired through the ODNR Division of Parks and Watercraft, enabling the program to be all-inclusive — open to marinas along Lake Erie as well as on inland waterways and along the Ohio River.

With the statewide program expansion, one of the requests from marina owners and operators was a site-specific certification structure that would better fit the needs of various operational activities across the state of Ohio. Clean Marinas staff gathered input from partners and in 2018 launched a new 3-tiered certification approach. Ohio marinas are now eligible for Base, Gold or Platinum certification, and the Clean Marinas staff are very excited to offer site-specific requirements and new criteria for those wishing to go above and beyond the program’s requirements.

Boaters are arguably one of the most important partners and a key ingredient to a successful Clean Marina program. The Ohio Clean Boater Program encourages the thousands of boaters across Ohio to do their part in protecting the waterways through pledging to follow best boater practices and supporting marinas in their efforts. This past year we provided short instructional Clean Boater videos online to help assist in this boater education.
WASHINGTON SEAGRANT UPDATE
by Samantha Larson

Boater sewage is a pollutant that can contaminate shellfish beds or spread waterborne
diseases at popular swimming beaches. It has been illegal to dump raw sewage into
Puget Sound for decades, and with the new no-discharge zone it is now illegal to dump
treated sewage overboard as well. To help boaters comply with the regulations and
keep this pollution at bay, the University of Washington’s Washington Sea Grant works
with Washington State Parks and the U.S. Fish and Wildlife Service in a federal-state
partnership that helps seafarers properly dispose of vessel waste through the Pumpout
Washington program.

Thanks to a Pumpout Washington initiative spearheaded by Gig Harbor Marina &
Boatyard, it is now even easier for Gig Harbor residents to pump instead of dump, with
a free boatside service run by Terry Durfee of Terry & Sons Mobile Environmental
Pumpout Service.

Durfee realized the need for a mobile pumpout program when he was living on a boat
in Lake Washington. “I got tired of making the long trek to the pumpout station every
two to three weeks,” he said. He started a “hobby” service in 2008 while working as an
inspector for the Department of Transportation. Then, in 2013 Durfee talked with
Pumpout Washington about how to turn his hobby into a non-profit business, after
which he was awarded a grant from Washington State Parks.

“We’ve learned that if you make the pumpouts easy and free of charge, people will use
them,” says Aaron Barnett, boating program specialist at Washington Sea Grant.

Seventy-five percent of Durfee’s
pumpout service is paid for with a
grant from Washington State
Parks, which gets the funds
through the U.S. Fish & Wildlife
Service from the Sport Fish
Restoration and Boating Trust
Fund. The additional 25 percent is
covered by donations from local
marinas and the boating
community.

To learn more, contact the Ohio Clean Marinas Program at
ohiocleanmarinas@osu.edu.
The mobile pumpout service first came to Gig Harbor thanks to the efforts of Ron Roark, general manager of the Gig Harbor Marina & Boatyard. As Roark began to see more boats claim the slips at his and other marinas, he grew concerned about the implications for local water quality. “Suddenly, it seemed that we were going to need to pumpout a lot more,” he says. “So, I started thinking about Terry’s program.”

Roark approached the City of Gig Harbor and they agreed to contribute $15,000 for the year, about half the amount necessary to offer the boat-side pumpout after the state-administered grant. Then Roark got to work fundraising for the rest, successfully soliciting contributions from other local marinas and slip owners.

Terry & Sons Mobile Pumpout now has a dedicated boat and full-time employee in Gig Harbor to meet the city’s needs. Durfee’s service is also contributing to the success of the statewide Pumpout Washington program, which diverted a record 10 million gallons of onboard sewage to onshore treatment in 2016 and 10.6 million in 2017. Every gallon of waste that Durfee’s service pumps reinforces a positive habit for Washington boaters.

“It’s just like recycling — it took people years to get used to recycling, and now it’s just a thing we do,” Durfee says. “I think we’re on the right track.”

**NASBLA NEWS**

2018 Operation Dry Water Annual Report & Results

The 2018 Operation Dry Water annual report summarized this year's enforcement, outreach and awareness activity. The campaign also celebrated its 10th Anniversary in 2018. Check out the annual report to see how far the campaign has come and what went on in 2018! The annual report includes law enforcement results, analyzes media exposure, reviews the growth of the campaign over the past 10 years and much more.

Operation Dry Water (ODW) is a year-round boating under the influence awareness and enforcement campaign. The mission of ODW is to reduce the number of alcohol- and drug-related accidents and fatalities through increased recreational boater awareness and by fostering a stronger and more visible deterrent to alcohol use on the water.

The Operation Dry Water heightened awareness and enforcement weekend takes place over the Friday–Sunday closest to the July 4th holiday. This holiday is known for a significant presence of boaters on the water and unfortunately, a heightened number of boating accidents and fatalities related to boating under the influence.

2018, 7,418 officers from 574 local, state and federal agencies joined forces throughout the states and U.S. territories for the Operation Dry Water campaign. During the campaign’s annual three-day heightened awareness and enforcement weekend, 494 impaired boat operators were removed from our nation’s waterways for drug and/or alcohol impairment. To learn more about Operation Dry Water visit www.operationdrywater.org.
Lt. Mark Brown elected NASBLA President at 59th Annual NASBLA Conference

During its 59th annual meeting, held in Indianapolis, Indiana, Sept. 9–12, 2018, the National Association of State Boating Law Administrators (NASBLA) elected Lieutenant Mark Brown, Boating Law Administrator for Oklahoma, as President of the nonprofit organization for the 2018-2019 year. He succeeds Tom Guess, Virginia’s Boating Law Administrator.

As a member of the National Association of State Boating Law Administrators, Lt. Brown has served on the NASBLA Education & Outreach Committee in many capacities ranging from committee member to committee chairman. Lt. Brown has served on the NASBLA Executive Board since 2014. As a member of the NASBLA Executive Board, he has been the Board liaison for the NASBLA Vessel Identification, Registration and Titling Committee, the NASBLA Education & Outreach Committee and the NASBLA National Boating Education Standards Panel. Lt. Brown has also served as a commissioner on NASBLA's Certified Recreational Boating Professional (CRBP) Commission and is an active member of the NASBLA Boating Education Advisory Panel (BEAP). The 60th Annual NASBLA Conference will take place Sept. 29–Oct 2, 2019 in Anchorage, Alaska. READ MORE

NASBLA Launches Certified Recreational Boating Professional Certification Program

NASBLA has launched its Certified Recreational Boating Professional (CRBP) certification program. The CRBP certification is a voluntary credential for recreational boating professionals developed by NASBLA. The credential is broad-based and addresses boating professionals’ knowledge, performance and career achievements in the identified ten (10) program domains.

The recreational boating professionals, paid and volunteer, can now begin their journey in achieving the Certified Recreational Boating Professional (CRBP) certification. You may apply for the CRBP when you have completed each of the eligibility requirements, including work/volunteer experience and professional development criteria. CRBP applicants can choose to take the 200 multiple-choice questions exam all at once, or has the opportunity to take individual domain examinations on their path to the CRBP. After passing the exam and achieving your CRBP certification, individuals will be recognized for their achievement at the NASBLA Annual Conference.

Kelli Toth, Education and Outreach Coordinator for the Alaska Office of Boating Safety was elect in 2018 to serve as the new Chair of the Certified Recreational Boating Professional (CRBP) Certification Commission. The Commission is an independent organization created by NASBLA to take the lead and set professional industry standards for the training and career development of paid and volunteer recreational boating professionals.

To learn more about the Recreational Boating Professional (CRBP) certification program visit nasbla.org/CRBP.

NASBLA Partners with Safe States Alliance for Webinar Series — Public Health Approach to in Recreational Boating Injury Prevention

The National Association of State Boating Law Administrators (NASBLA) and the Safe States Alliance partnered to present a four-part webinar series on the Public
Health Approach to Injury Prevention, with a focus on recreational boating injuries. The series is organized by each of the key four steps in the Public Health Approach, with relevant Core Competencies for Injury and Violence Prevention mapped to each of these four steps. These Core Competencies can provide a roadmap for gaining or strengthening the essential knowledge, skills and behaviors needed to grow professionally, and strengthen the field and practice of injury and violence prevention, including recreational boating injury prevention.

The four-part webinar series is now available online for free. Visit NASBLA’s eLearning Portal to access the series, “Applying the Public Health Approach to Recreational Boating Injury Prevention.” NASBLA is committed to cultivating a boating public that is better prepared to engage in safer boating behavior, in part by assisting state boating safety agencies to become fluent in the public health approach to injury prevention.

NEW Personal Watercraft for Law Enforcement Training Course Launched

The NASBLA BOAT Program is excited to announce the expansion of its course catalog with the addition of the Personal Watercraft for Law Enforcement training course. This course gives maritime law enforcement and emergency responders, with proficient boating skills, a comprehensive framework in order to become more proficient with specialized skills necessary to operate personal watercraft in the maritime law enforcement environment.

“We are excited to offer this PWC-LE course to better prepare our nations maritime law enforcement operators to respond to all scenarios they encounter on the water while operating personal watercraft,” said Dave Considine, NASBLA’s Boat Operations and Training (BOAT) Program Director.

A key element of this course will be the preparation of participants to become qualified in the tasks necessary for response to maritime safety and security operations, and Coast Guard/FEMA recognition in the national qualification database maintained by and through NASBLA. The three-day (24 hour) course is designed to provide federal, state, county, local and tribal law enforcement officers and first responders in the maritime domain the knowledge and skills to perform PWC operations in a safe and efficient manner, under a national curriculum. For more information visit the Boat Operation and Training (BOAT) Program’s course catalog page.

ASSOCIATION OF FISH AND WILDLIFE AGENCIES

by Ryan Roberts

Alliance for America’s Fish & Wildlife

There are currently 110 cosponsors on the Recovering America’s Wildlife Act in the House (H.R. 4647) and holding at 6 in the Senate (S. 3223). We look forward to taking advantage of any opportunities to advance the legislation in November once Congress is back in session after elections. On October 10th, John Kennedy of the Wyoming Game and Fish Department came to DC to testify in a hearing in the Senate Environment and Public Works (EPW) Committee on the “Successful State Conservation, Recovery, and Management of Wildlife.” In his testimony he mentioned the Recovering America’s Wildlife Act as a path forward to addressing the need for “new and broader funding” to supplement the revenue brought in by hunting and fishing to give states the resources they need to implement their State Wildlife Action Plans and work to conserve those species of greatest conservation need. There were several good examples of successful state-led fish and wildlife conservation efforts highlighted in the remarks of the other witnesses and by several Senators on the panel. We are now circulating sign-on letters to be sent to the EPW Committee requesting a hearing on the bill and to continue this important dialogue on funding for fish and wildlife management. We’ll send the final letters around once they’re wrapped up. Check out the new partners page on the Alliance website. We’re very pleased with how that came
together and it allows the Alliance membership some additional exposure for all the good work they're doing. Thank you all for your continued support and leadership in all you're doing to make the case for increased fish and wildlife conservation funding. And as always, please contact Sean Saville, Alliance for America’s Fish & Wildlife Campaign Manager with any questions; ssaville@fishwildlife.org or (202) 838-2561.

**Legislative Possibilities in the Lame Duck Session of Congress**

Outcomes of the mid-term elections will drive significantly what legislation may move during the waning days of the 115th Congress. There are retiring members of Congress with legacies to leave behind, priorities to achieve before leaving office, opportunities that might not present themselves again in the next Congress and more legislative work to do. Up for negotiations and on various lists of “things to do” include remaining FY19 appropriations, re-authorization of the Land & Water Conservation Fund, parks deferred maintenance bills, sportsmen’s packages and conservation re-authorizations, Pittman-Robertson Modernization, Recovering America’s Wildlife Act, energy legislation, US Coast Guard re-authorization, and others. It will be an exciting final few weeks and we will need your help in the coming weeks to encourage Congress to enact some of AFWA’s legislative priorities so watch your inbox for calls for action on Congressional legislation.

**Water Resources Bill Signed into Law by President**

On Tuesday October 23rd the President signed into law S. 3021, America’s Water Infrastructure Act of 2018 (AWIA). S. 3021 was a bipartisan bill and passed the Senate with a vote of 99-1. AWIA authorizes and deauthorizes water infrastructure projects led by the Army Corps of Engineers (ACOE) and provides direction on numerous agency operations that have the potential to impact fish and wildlife resources. AWIA is a comprehensive package containing numerous state, regional, and national provisions of interest including but not limited to the following:

- directs the ACOE to expand research on aquatic invasive species, including zebra mussels and Asian carp;
- expands watercraft inspection stations for certain river basins;
- directs the FWS to expedite the processing of permits for take of birds covered by the Bald & Golden Eagle Protection Act and the Migratory Bird Treaty Act when a conflict is present;
- authorizes and/or expedites numerous ecosystem centric projects across the country;
- directs the ACOE to consider natural and nature based infrastructure options in water resource projects.

Under regular order the Water Resources Development Act is reauthorized every two years and will be scheduled for re-authorization in 2020. AFWA staff will begin soliciting feedback from the states in early 2019 on needed amendments for the next re-authorization cycle. If you have any questions regarding AWIA of 2018 or the next WRDA reauthorization, please contact Devin DeMario at ddemario@fishwildlife.org.

**Ballast Water Bill to Preempt State Authority Likely to Pass Senate**

Last Spring the Senate failed to meet the necessary votes to invoke cloture on the Coast Guard Authorization Act of 2017 (S. 1129), of which included the Commercial Vessel Incidental Discharge Act (C/VIDA). At that time Senate leadership agreed to commence discussions on compromise language to replace the current VIDA provisions within the bill. During the week of October 13th the Senate moved very quickly to advance a new draft version of VIDA via an amendment to S.140, (An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund).

Although improved, there are still provisions within the new version of VIDA that, if enacted, would preempt state authority and prohibit the promulgation and enforcement of state regulations specific to ballast water and discharges that are incidental to the normal operation of a vessel. Further, this new language seeks to set a nationwide standard for the regulation of vessel discharges by amending the Clean Water Act; an
approach not seen before in this longstanding legislative initiative.

The Senate originally planned on advancing S.140, as amended with VIDA language, a few hours before they recessed on the evening of October 18th. Due to the last minute nature of the consideration and inadequate time for review of the language, members asked leadership to postpone the vote until after the midterm elections. It is important to note that S.140 has already been considered in the House. Therefore, if passed by the Senate, the amended bill would be sent back to the House to consider before potentially advancing to the desk of the President for signature into law. We fully expect the Senate to take action to pass S.140 with the VIDA amendment the week of November 13th.

It is our understanding that this amendment language is near final, but, if your agency has concerns with the hyperlinked language above we strongly recommend that you reach out ASAP to your Congressional delegation. We also request that you share any congressional correspondence on VIDA with the AFWA Government Affairs Team.

**Tribal Self-Governance Bill Passes Senate by UC, Again**

On October 3, 2018, the Senate passed by unanimous consent S. 2515, the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2018. This is a revised version of S. 286, a Tribal Self-Governance bill that AFWA opposed in the 114th Congress because of potential significant impacts to DOI programs, budgets and funding that could affect the state fish and wildlife agencies, water rights and interests, and public lands. S. 2515 reflects many of the mediated, negotiated changes that AFWA staff worked on with Tribal interests, albeit there are some subtle differences, and there are several concerns and questions that remain outstanding and unanswered during previous negotiations. Once again, AFWA will try to work with our House colleagues to address our outstanding concerns with this legislation.

**Angling & Boating Alliance Kicks-Off Discussions on Re-authorization of Wallop-Breaux**

In 1984, Senator Wallop (WY) and Rep. Breaux (LA) captured the fuel taxes generated by recreational motorboats and small engines to enhance the funding for the Sport Fish Restoration and Boating Trust Fund, which also provides funding for boating infrastructure grants, coastal wetlands restoration in Louisiana, aquatic conservation education, and communications and outreach. Known as “Wallop-Breaux,” it provides half of the $600+ million in receipts that go into the account and requires re-authorization every 5 years through the Transportation bill.

Chaired by AFWA staff Jen Mock Schaeffer, the Angling and Boating Alliance (ABA) will be working together to draft a unified proposal to advance to Congress in preparation for reauthorization of the Transportation bill and Wallop-Breaux. The ABA includes the USFWS, US Coast Guard Office of Boating Safety, state organization partners (NASBLA, SOBA), industries (ASA, NMMA, BoatUS, marina interests), and conservation NGOs (CSF, TU, B.A.S.S.). AFWA staff will work with committee leadership to identify states and processes to help identify issues, opportunities, challenges and needs to advance to the ABA for consideration as part of the reauthorization platform. If you know of improvements needed to the SFRBTTF, please contact Jen Mock Schaeffer at jenmock@fishwildlife.org and use the subject line “Wallop-Breaux Re-authorization.”

AFWA will need to examine and approve of re-authorization ideas at the upcoming North American Wildlife and Natural Resources Conference in Denver, CO, in March 2019 so that the ABA can adopt a national platform and move forward with advocacy by the summer 2019. The current Transportation bill, the FAST Act, expires on September 30, 2020.

**Pennsylvania Fish & Boat Commission Names Tim Schaeffer As Executive Director**

During a special meeting, the Pennsylvania Fish and Boat Commission Board of Commissioners voted unanimously to appoint Tim Schaeffer to the role of Executive Director.
Director. Schaeffer will assume his duties beginning November 13, 2018.

Click here to see the press release.

AMI UPDATE
by Eric Kretsch

As this year begins to, believe it or not, wind down, the Association of Marina Industries would like to share with you some of our achievements in 2019.

- This year we reached the 1000 member miles stone!
- We held six training courses, including our Advanced and Intermediate Marina Manager course, our Marina101 and Study Tour.
- Partnered with the International BoatBuilders’ Exposition and Conference (IBEX) to bring Marina101 and the Marina Study Tour to Tampa, FL.
- We held 16 webinars, including a 12-part health and safety series that started back in 2017 and a three-part hurricane preparedness and recovery series with over 300 individual attendees.
- We recharged our training conference, this year focusing on hurricane preparedness and recovery during Weathering the Storm in Miami, FL.
- We partnered with two new affiliates the Pacific Coast Congress of Port Captains and Harbormasters and the Wisconsin Marina Association.
- We completed a marina business economic impact study which estimates the total economic impact of marinas and boatyards to be $18.1 Billion, which supports over 105,000 full and part-time jobs.
- We received the American Boating Congress’s Ambassador Award, which is presented in recognition of outstanding marketing achievement as co-host of the American Boating Congress.
- We supported the passage of the Water Resources Development Act, along with the National Marine Manufacturers Association, BoatUS, and the Marine Retailers of the Americas, which provides for many benefits to recreational boating.
- We are working to make sure the National Electric Code Standards do not over burden marina recreation facilities, while finding solutions to keep people safe.
- We are participating in an Aquatic Invasive Species Coalition and are a member of the Outdoor Recreation Roundtable (ORR).

NMMA DC UPDATE

U.S. Congress Approves Coast Guard Reauthorization Bill

The U.S. Congress passed the Coast Guard Authorization Act of 2017 (S. 1129) last month, allowing President Trump to sign the legislation into law. NMMA played a pivotal role in shaping the bill, which includes several provisions that were identified and championed by the recreational boating industry.

In response, NMMA President, Thom Dammrich stated, “NMMA applauds Congress for approving this critical legislation, which contains several provisions that will directly improve boating safety and ensure the 142 million Americans who take to the water each year continue to have safe, enjoyable experiences.”

Specifically, this legislation creates an opportunity to expand the use of alternative distress signals like LED lights and emergency position-indicating radio beacons (EPIRBs), a move that will equip boaters with safer, longer-lasting, and more environmentally friendly options to signal for help in case of an emergency. This bill
also provides new training for 911 dispatchers to better distinguish situations that require a U.S. Coast Guard response from those that should be directed to a local or third-party entity — an initiative that will help boaters receive assistance when they need it and reduce unnecessary burdens on Coast Guard personnel.

While this legislation does not mandate wearing of engine cutoff devices, the bill takes the important steps of requiring manufacturers to install these devices in most boats under 26 feet — something many currently do at no cost to the consumer — and incentivizes the Coast Guard to promote their use. Wearing engine cutoff devices is a vital safety measure for boaters and law enforcement alike. This proposal is supported across the recreational boating community and they are committed to working Congress and the Coast Guard to take additional steps toward implementing mandatory wear of engine cutoff devices.

In addition, this bill delivers commonsense reform to Certificates of Documentation (COD), or registrations, for recreational boats by extending renewal dates from one year to five years, allowing consumers to forgo redundant paperwork. Furthermore, this bipartisan legislation reduces the risks posed by ballast water discharges from commercial vessels — which will minimize the likelihood of introducing aquatic invasive species in our waterways, while ensuring these discharges, and recreational boats, continue to be regulated under the Clean Water Act.

Approval of the Coast Guard reauthorization bill is a major victory for the industry, and NMMA will continue to work with the Coast Guard and Congress to resolve outstanding and additional safety priorities.

**Critical Water Infrastructure Bill Signed into Law**

In October, President Trump signed the America’s Water Infrastructure Act of 2018 (S.3021) into law — which includes several of the recreational boating industry’s top priorities. Leading up to the bill’s approval, NMMA and their members worked with the Trump Administration and Congress to secure the industry’s objectives in the final package. Additionally, they participated in fly-ins, media interviews, and coordinated with coalition partners to advocate for the legislation and help push it across the finish line.

In response to the bill’s passage, NMMA’s President, Thom Dammrich, stated, “This legislation is a testament to the overwhelming, bipartisan support for protecting and preserving America’s water infrastructure, which is critical to the health and growth of the recreational boating industry — an industry that delivers $39 billion in annual sales to the U.S. economy. As partners who worked with legislators in both chambers and the administration to develop the America’s Water Infrastructure Act of 2018, NMMA is thrilled to see this legislation enter into force.”

The bill authorizes key dredging programs, streamlines the approval process for local water infrastructure initiatives, and requires consideration of recreational boating’s economic impact when determining funding and prioritization for important projects. This legislation also delivers on pressing and potentially devastating conservation issues — including authorizing the Everglades Agricultural Area plan, developing and implementing new technologies to better detect, prevent, and manage current and future harmful algae bloom outbreaks, and bolstering efforts to eradicate aquatic invasive species like Asian carp and zebra mussels across the country.

A full list of the industry’s priorities in the bill is available here:  
[http://nmma.net/assets/cabinets/Cabinet522/181010_AWIA%202018%20Factsheet.pdf](http://nmma.net/assets/cabinets/Cabinet522/181010_AWIA%202018%20Factsheet.pdf)

**More Than One Year In, Ups and Downs of the Trade War Continue**

It has been just over a year since the trade war commenced, with the landscape
changing almost daily. NMMA is encouraged by some developments, but tariffs on the recreational boating industry continue to take their toll.

On October 30, NMMA Senior Vice President of Government Relations and Legal Affairs, Nicole Vasilaras joined representatives from Correct Craft and Sea Ark Boats to testify before the U.S. International Trade Commission (ITC) regarding antidumping and countervailing duty investigations into common alloy aluminum sheet from China. The U.S. Department of Commerce initiated the investigations in late 2017, which found that Chinese companies and the government were artificially reducing the product's cost. As a result, aluminum sheet from China is currently facing a combined duty of nearly 130 percent, contributing to the price of domestically produced materials to increase by nearly 40 percent. The ITC is expected to issue a final decision on whether to accept or eliminate the duties before the holiday.

In addition to testifying, NMMA and their industry partners are parking a pontoon boat (picture above), trailer, and recreational vehicle (RV) outside of the ITC to provide examples of products affected by these investigations and the entire trade war. In late September, with a deadline only minutes away, the U.S., Canada, and Mexico reached a deal to revamp the North American Free Trade Agreement (NAFTA). The new agreement — officially referred to as the United States-Mexico-Canada Agreement (USMCA) — was heralded by NMMA President, Thom Dammrich and NMMA Canada President, Sara Anghel as, "excellent news for the recreational boating industry and countless others that rely on the free flow of goods in North America." Dammrich and Anghel also applauded President Nieto, President Trump, and Prime Minister Trudeau for striking the deal and called on all three countries to immediately review and approve the agreement.

While USMCA preserves core elements of the previous trilateral trade pact and contains key industry priorities, it does not address Section 232 tariffs or subsequent retaliation from Canada and Mexico targeting U.S. boat imports (10 and 15 percent tariffs, respectively). As a result, millions of dollars of orders have been canceled, causing severe economic hardship and the threat of job losses in the industry. However, USMCA cleared the deck for negotiators to turn to retaliatory tariffs, and NMMA is urging all three countries to stay at the table until this issue is resolved.

The European Union’s (E.U.) 25 percent retaliatory tariff on U.S. boats also remains in place. There has been positive news on this front, with the U.S. recently announcing that they are looking to negotiate trade deals with the E.U. and the United Kingdom (U.K.) next.

To that effect, NMMA, the European Boating Industry (EBI), and the International Council of Marine Industry Association (ICOMIA) sent a joint letter on October 11 to the U.S. Trade Representative (USTR), Robert Lighthizer and EU Commissioner for Trade, Cecilia Malmström expressing their strong support for the ongoing trade discussions. In addition, NMMA is providing feedback to the U.S. government regarding the marine industry’s experience with trade-related barriers affecting exports to the U.K. This effort comes as both countries explore ways to strengthen trade and investment ties and provide commercial continuity as the U.K. prepares to leave the E.U.

Tensions between China and the U.S. do not appear to be de-escalating anytime soon. To date, $250 billion worth of Chinese imports — segmented into three lists of $34 billion, $16 billion, and $200 billion — have been hit by the U.S.’s Section 301 tariffs. A 25 percent tariff has been applied to items on lists one and two; goods on list three were hit with a 10 percent tariff, which increases to 25 percent on January 1, 2019.

Collectively, more than 350 marine related components, materials, and parts are affected by Section 301 tariffs. Plus, China responded with tariffs ranging from 5 to 10
percent on $60 billion worth of U.S. exports, including boats, making China the fourth market to retaliate against the U.S. recreational boating industry during the global trade war.

To provide reasonable relief from Section 301 tariffs, USTR developed a system for American companies to request exclusions for products on the first two lists. NMMA has supported several industry requests for exclusion. Industry stakeholders that filed a request on or before the October 9, 2018 deadline should contact NMMA for additional assistance and letters of support.

As of today, the U.S. government has not provided an exclusion process for the third list. Recently, a bipartisan group of 169 members of the U.S. House of Representatives — led by Congresswoman Jackie Walorski (R-IN-02) and Congressman Ron Kind (D-WI-03) — sent a letter urging USTR to establish an exclusion system for the third tranche. NMMA and their coalition partners have also encouraged swift action on implementing a process for list three.

NMMA will continue to monitor these issues and advocate for the industry's priorities. For more information, please contact NMMA Senior Vice President of Government Relations and Legal Affairs, Nicole Vasilaros at nvasilaros@nmma.org or NMMA Director of Federal Affairs, Lance West at lwest@nmma.org.

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