



The Worldwide Authority on Bass Fishing

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November 13, 2008

Colonel Donald E. Jackson, Jr.
Commanding
Department of the Army
Little Rock District, Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203-0867

Dear Colonel Jackson:

On May 13, 2008, you signed into regulation a policy that allows marina concessionaires to effectively post waters of the United States off-limits for recreational anglers. This action undermined a compromise reached through a Corps of Engineers-facilitated process that took nearly two years to accomplish.

Specifically, Regulation No. 1130-2-57 reversed a similar, though collaborative regulation signed by Colonel Wally Walters in June 2007 (Regulation No. 1130-2-51). The small but critical difference can be found in the last sentence under Section 5. The original, negotiated language excluded boat storage docks from “commercial zones,” while the new language, under your authority, includes boat storage docks in commercial zones, and effectively posts all marina areas off-limits for anglers.

The June 2007 policy was reached only after arduous negotiations between all stakeholders, which included the Missouri and Arkansas Marina Owners Association, the Arkansas Game and Fish Commission, the Missouri Water Patrol, the U.S. Army Corps of Engineers, BASS and the Arkansas B.A.S.S. Federation Nation. In a good-faith effort, anglers willingly compromised with the marina concessionaires by including gas docks, store docks, restaurants and any other area of immediate, daily commerce in the commercial zones. Anglers only asked for the ability to fish around the boat storage docks, which is often the only significant form of fish habitat available.

We do not object to marina concessionaires profiting from a public resource. However, we do object to marinas dictating use of public waters that were created using public taxes and in which the fish are stocked and managed with license fees and excise taxes provided by anglers. Those same taxes on recreational anglers also contribute to programs provided by the Clean Vessel Act and Sport Fish Restoration Act that often fund marina construction and enhancements. The anglers have paid for the right to pursue fish under and around marina structures, while marina concessionaires have, under your authority, over-extended their rights by excluding anglers.

The May 2008 regulation completely disregarded the previous collaborative effort, and undermines the sincerity of the Corps-facilitated stakeholder process. Actions like this continue to erode the credibility of the Corps of Engineers with the general public, and especially with America's anglers.

Additionally, there was no public notification of the change in policy until late September 2008, a full four months after you signed the new regulation into effect.

If the Corps of Engineers genuinely values a stakeholder-driven process, we respectfully request that you reinstate the original, negotiated regulation (Regulation No. 1130-2-51) signed on June 27, 2007, by Colonel Wally Walters. Furthermore, we ask that you address the following questions in detail, so our members can understand the Corps' actions since June 2007.

- 1) Why was the original policy changed?
- 2) Why were the stakeholders (those present at the facilitated meeting on April 26, 2006, in Little Rock) not consulted before this policy revision?
- 3) Exactly who was consulted for this policy change?
- 4) Why did it take the Corps four months to notify the public?

We look forward to your reply.

Sincerely,



Chris Horton
Conservation Director
BASS

cmh

cc: Senator Blanche Lincoln
Senator Mark Pryor
Representative Marion Berry
Representative John Boozman
Senator Kit Bond
Representative Roy Blunt
Representative Jo Ann Emerson
American Sportfishing Association
Congressional Sportsmen's Foundation
Arkansas B.A.S.S. Federation Nation
Missouri B.A.S.S. Federation Nation
Arkansas Game and Fish Commission
Missouri Department of Conservation
Missouri Water Patrol