

What is Dingell-Johnson (D-J) funding?

The Federal Aid in Sport Fish Restoration Act, commonly known as the Dingell-Johnson Act, was passed by Congress in 1950. Modeled after the Federal Aid in Wildlife Restoration Act, Dingell-Johnson uses excise taxes on sport fishing equipment, import duties on fishing tackle, yachts, and pleasure craft, and a portion of the gasoline fuel tax attributed to small engines and motorboats to provide grants to state fish and wildlife agencies to restore, conserve, manage, and enhance sport fish and their habitat. (Sport fish are defined as aquatic, gill-breathing, vertebrate animals, bearing paired fins, and having material value for sport or recreation.)

States must fulfill certain requirements to receive D-J grants, including a condition that revenue from the sale of state fishing licenses not be used by anyone other than that fish and wildlife agency.

How is D-J funding distributed?

Of the excise taxes collected under Dingell-Johnson, 57% of the available balance is annually apportioned to the states as follows:

- 40% based on land area of the state, including coastal and Great Lakes waters;
- 60% based on the number of paid fishing license holders in the state;
- No state may receive more than 5% or less than 1% of the total apportionment.

How can the funding be used?

Once distributed, D-J funds must be obligated by the state within 2 years. After that time, unobligated balances revert to the United States Fish and Wildlife Service.

D-J funds may be used to:

- restore and manage sport fish for the benefit of the public;
- conduct research on the problems of managing sport fish and their habitat if necessary to administer resources efficiently;
- obtain data to guide and direct the regulation of fishing;
- develop, adopt, and evaluate plans to restock sport fish and forage fish;
- stock fish for recreational purposes;
- acquire real property suitable or capable of being made suitable for sport fish habitat, a buffer to protect habitat, or public access for sport fishing;
- restore, rehabilitate, improve, or manage aquatic areas for sport fish habitat or land for buffers to protect habitat;
- build structures or acquire equipment, goods, and services to restore, rehabilitate, or improve aquatic habitat for sport fish or land as a buffer to protect habitat or to provide public access for sport fishing;
- construct, renovate, operate, or maintain pumpout and dump stations;

- operate or maintain projects that the state fish and wildlife agency completed under the Act or facilities that the agency acquired or constructed with funds other than those authorized under the Act if these facilities are necessary to carry out activities authorized by the Act;
- coordinate grants in the sport fish restoration program and related programs and subprograms, including recreational boating access, aquatic resource education, and outreach and communications.

D-J funds may not be used to manage nongame species.

How does Montana qualify for D-J funding?

To qualify, states must:

- furnish a certification of the number of paid fishing license holders;
- pass assent legislation to the provisions of the Act for conservation of fish that includes a prohibition against the diversion of license fees paid by anglers for any other purpose than the administration of the fish and wildlife agency.

“87-1-701. Assent to Dingell-Johnson Act. The congress of the United States passed an act that was approved on August 9, 1950, known as the Dingell-Johnson Act, Public Law 681, 81st congress, chapter 658, 2nd session, which provides, among other things, that “No money apportioned under this Act to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this Act and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after passage of this Act, the assent of the governor of the State shall be sufficient.” The money referred to in the Dingell-Johnson Act is collected in part from the anglers of the state of Montana and will not be returned to the state unless the state assents to the Dingell-Johnson Act. Therefore, the state of Montana assents to the Dingell-Johnson Act...”

DINGELL-JOHNSON FUNDING

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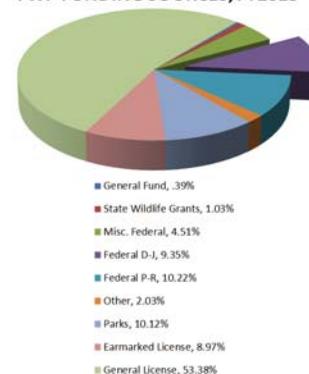
How much D-J funding does Montana receive?

Between 2010 and 2014, Montana received an average of \$8.4 million in D-J funding per year. This represents just under 10% of the Montana Department of Fish, Wildlife, and Parks' overall budget. However, in that same 5-year period, Montana's apportionment of D-J funding dropped by approximately 22% in 2014 compared to 2010.

As required by federal law, the United States Department of the Interior must review and approve states' plans for use of D-J funding. (16 U.S.C. 777e)

D-J funds may be used for up to 75% of a program's cost with the state providing the other 25%.

FWP FUNDING SOURCES, FY2015



This brochure is provided by the Legislative Environmental Quality Council as a summary document and is not a substitute for complete laws and regulations. The brochure reflects federal and state laws as of October 1, 2013. For more information:

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Code of Federal Regulations
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