

TO: RBAW Board

FROM: Doug Levy – 3/3/2021

RE: Report from State Lobbyist – **FEBRUARY 2021**

February will go down as the month we conducted a successful Lobby Day, enjoyed some wins on the legislative front, heard great (preliminary) news regarding Lakebay Marina, and found out about a Montlake Bridge repair that will require us to have some hard discussions with the Washington State Department of Transportation (WSDOT). Here is my monthly report and listing of key issues for Recreational Boating Association of Washington (RBAW) Members:

Thank you to all those who attend our (Virtual) RBAW-NMTA Lobby Day on Feb. 8! I wanted to give a shout-out to all of our officers who attended our first-ever “virtual” Lobby Day on Feb. 8, undertaken in collaboration with the Northwest Marine Trade Association (NMTA). It was a successful day where we had meetings with the Senate Ways & Means, Transportation, and Agriculture & Natural Resources Committee Chairs, as well as the House Environment & Energy & Community & Economic Development Chairs. A smaller group then met with the House Capital Budget Chair two days later. We did nearly a dozen meetings via Zoom and were able to convey several of our key RBAW messages and priorities.

Lakebay Marina – Wowza! While nothing is final just yet, we at the RBAW Marine Parks Conservancy and the Department of Natural Resources received fantastic news regarding our \$1.776 million acquisition and planning grant application for the Lakebay Marina. The preliminary results of the scoring of projects revealed Lakebay as the No. 1 ranked state agency project of 11 that were submitted! While this takes us **very close to the finish line** for funding, we are not quite there yet. The Legislature still has to approve a 2021-23 Capital Budget with funding for the Boating Facilities Program (BFP) grants, and the state’s Recreation and Conservation Funding Board (RCFB) has to give final approval to the list of projects its agency staff and evaluation committee recommended through a scoring-and-ranking process. Both steps are highly likely, but we have to wait through April for all the final stamps of approval. Still – it’s cause for near celebration. I want to take a moment to give a special shout-out to RBAW and RBAW Marine Parks Conservancy President Bob Wise, who has been the driving force behind our Lakebay initiative and who teamed up with DNR for a Feb. 17 grant-funding presentation that went extremely well!

Montlake Bridge Repair: In February we learned through the U.S. Coast Guard (USCG) that the WSDOT, without any formal outreach to recreational boaters, was seeking Coast Guard approval to do a partial shutdown of the Montlake Bridge during summer boating season. However, USCG Bridge Administrator Steve Fischer would not approve the bridge deviation request WSDOT needed and strongly encouraged the Agency to meet with the recreational boating community – which it now has. This one caught us flat-footed, although it had *technically* been advertised in a Local Notice to Mariners (LNTM) on Jan. 27. Nonetheless, Peter Schrappen of NMTA and I have now met with WSDOT officials and need to have larger discussions with our respective Boards – particularly since WSDOT’s preferred time for doing the Montlake Bridge work is in August! In fairness, the bridge maintenance is badly needed (*28 years since*

last repairs) and WSDOT is prepared to figure out solutions that will work for boaters, but this one needs our thorough discussion.

Efforts with National Marine Fisheries Service (NMFS) on federal permitting for marina upgrades – federal/ESA lobbying firm brought on board: As we had the month before, RBAW President Bob Wise, NMTA VP Peter Schrappen, Logan Brown of the firm Marine Floats, and myself spent considerable time through February in meetings with federal agency, state agency, and Washington State Congressional Delegation staff on this issue. We worked with the Thompson Consulting Group and its principal, Tim Thompson. One thing for discussion is that the Thompson Consulting Group contract stretched through a fourth month when NMTA and RBAW had previously planned three (3). Bob Wise and I will want to lead a discussion of whether the RBAW Board is OK contributing a few hundred dollars for the final month of engagement with the Thompson Consulting Group.

Give the Southern Resident Killer Whales Space: With the recent news of a new calf that adds to the Southern Resident Killer Whale population, RBAW and NMTA teamed up with the state Department of Fish and Wildlife (WDFW) for a Feb. 22 news release where all agencies and organizations emphasized a “Be Whale Wise” approach of giving the Orcas and their new calf extra space out on the water. You can see the Feb. 22 news release, which Andrea Pierantozzi subsequently sent out to the full RBAW membership, here:

[State, partners remind recreational boaters to give Southern Resident killer whales extra space with news of calf | Washington Department of Fish & Wildlife](#)

Update on 2021 Session Legislative & Budget Items Impacting Boaters

Operating Budget – WDFW pursuit of funding for Aquatic Invasive Species: The WDFW is requesting \$2.8 million in additional funds for the Aquatic Invasive Species (AIS) program that would be used to: 1) maintain monitoring operations for zebra/quagga mussels along with responding to emerging issues such as European green crab and Northern Pike (\$2 million of the \$2.8 million) and 2) maintain two year-round watercraft inspections (\$0.8 million). This funding is in the Governor’s Budget. While we generally *support* this request, it is worth noting that WDFW has never sought an audience with the recreational boating sector or called upon us, rather just sending e-mails starting in February.

ESSB 5251, modifying tax and revenue laws – a nice win for RBAW and NMTA: A quick note about this bill, which is mostly a very technical piece of legislation to codify in state statute a series of tax administration items and changes. However, buried in Sec. 14 of the bill was a provision noting that for purposes of use tax (sales tax) on vessels brought into Washington State, the local tax on the “place of first use” would be calculated not based on where the vessels entered the state but rather “where the property is primarily hangered, moored, garaged, or otherwise kept.” This had the very real potential to add about \$18,000 of additional tax to a vessel valued at \$1 million, and to shift that local tax from places like San Juan County to King County. We reached out to San Juan County officials, who in turn contacted Sen. Liz Lovelett (D-Anacortes/40th Dist.). After this came to light, the Department of Revenue recommended *removing* the Section 14 provision and Sen. Lovelett did so through this Floor

Amendment: [5251-S AMS LOVE S1449.1.pdf \(wa.gov\)](#) The bill then passed unanimously off the Senate Floor. It was a nice win for NMTA and RBAW officials who spotted this one, and San Juan County officials who put the wheels in motion with their contacting Sen. Lovelett.

Derelict Vessel Removal Program: We are working on DVRP issues with the Department of Natural Resources on two parallel fronts: 1) strong support of \$5.6 million Capital Budget funding request for the 2021-23 biennium that will help address the backlog of derelict vessels needing to be removed – with as much as \$2.95 million of that required to remove the *Hero* from Pacific County waters; and 2) a longer-term sustainable funding initiative from the DVRP to take the estimated \$2 million per biennium funding up to something like \$4-5 million. We had an initial Feb. 24 meeting on No. 2, with DNR and several more discussions are planned, hopefully culminating in a 2022 request to the Legislature. Regarding the first item, I had a very positive discussion on inclusion of it with the Senate’s lead Capital Budget writer, Sen. David Frockt (D-Seattle/46th Dist.).

Boating Safety Bills – HB 1018/Proposed Substitute Senate Bill 5176: Neither of these bills passed out of policy committees by a required Feb. 15 legislative cutoff deadline, so if I can use some Olympia lingo with all of you, the bills are considered “dead” for the 2021 Session. I will repeat the verbiage we used on this topic in a Feb. 25 announcement sent out to all RBAW Members: *“While the intentions behind these bills were good, they were written in a way that attempted to simply layer a requirement for human-powered vessels on top of a state law regarding on-water education requirements for motorized boaters (a law RBAW led the way on and spent three years perfecting). The problem with doing that is that what makes sense for motorized vessels doesn’t necessarily make sense for human-powered vessels, and vice-versa. HB 1018 and SB 5176 would have resulted in a whole series of ‘unintended consequences.’ Further, representatives of paddle craft had significant concerns with the bill – in fact, many of them reasoned that the better way to address water safety for paddlers might be to require Personal Flotation Devices (PFDs)...RBAW is committed to continued work on boating safety and to collaboration on this complicated topic and is committed to continuing to work with legislators to develop something that works and that enhances the safety of all those who take their vessels onto waterways around the state.”*

2021-23 Capital Budget (SB 5083/HB 1080): These bills simply reflect the Governor’s 2021-23 Capital Budget requests for the biennium. It will be sometime after the state’s mid-March revenue forecast update before we see the Legislature’s initial rewrites of **SB 5083/HB 1089**. Along with the aforementioned Derelict Vessel Removal Program request, we are tracking closely to ensure that a nearly-\$15 million allocation is in the budget for the Boating Facilities Program to nail down funding for the Lakebay Marina acquisition and planning grant (see Pg. 1).

SSB 5330 – Commercial Whale Watching Licenses: We supported and testified on behalf of this bill sponsored by Senate Agriculture, Water, Natural Resources and Parks Chair Kevin Van De Wege (D-Sequim/24th Dist.). The bill would restructure a recently adopted rule-making by the Washington Department of Fish & Wildlife (WDFW) that, in our view, unfairly restricted the ability of commercial whale-watching operators to safely view Southern Resident Killer Whales (Orcas). We and our

colleagues at NMTA strongly support the ‘sentinel’ role played by these operators of commercial whale-watching vessels, as they help recreational boaters know how and when to keep their distance when the whales are present. All that said, there is considerable opposition to **5330**, which is currently stuck in the Rules Committee after having passed out of Senator Van De Wege’s Committee back on Feb. 11.

New-Revenue Transportation Proposals – Ensuring the “Non-Highway Refunds” are in place: We will not see assigned bill numbers for these until mid- to late-March, but it is worth noting that both the Senate and House have introduced major proposals to invest in the state’s transportation system. There is a clear need for new transportation funding, but things like additional gas taxes and new carbon-reduction fees or taxes will be challenging to enact during a time when the state’s COVID-19-wracked economy is still in recovery mode. Still, because the proposals involve upping the state’s fuel tax by 6 cents or more, our organization and several others are urging that they incorporate a “non-highway refund” provision in any proposal to ensure that a proper percentage of the non-18th-Amendment fuel purchases by boaters, ORV users and snowmobilers go back into the state accounts that address their infrastructure needs (in our case, the Boating Facilities Program). Stay tuned on this one!

SHB 1107, expanding certain nonresident vessel permit provisions: There is good news to report for this NMTA-promoted legislation to make it easier for large vessels that are chartered or skippered to obtain non-resident vessel permits. As February ended and March began, this bill unanimously passed off the House Floor and headed to the Senate! Here is a bill report that provides you with more flavor on **1107**, which also increases the length of vessels that can secure these permits – from a maximum of 164 feet to a maximum of 200 feet.

[1107-S HBR APH 21 \(wa.gov\)](#)

FINAL NOTE:

Lastly, I will note that there are not any major changes to the Andrews Bay, Seattle Harbor patrol operations, or No Discharge Zone (NDZ) items I have been reporting on monthly. You can consult my January report for the latest and rest assured that I will update you as new developments occur!
