

TO: RBAW Board

FROM: Doug Levy – 2/3/2021

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

RESPONSE NEEDED: For Thursday, Feb. 4 Board Meeting (*Doug via Zoom – enter meeting 7 p.m.*)

A Last Reminder to Register for our (Virtual) RBAW-NMTA Day in Olympia Monday, Feb. 8! I wanted to give a last call to folks – if you have not already registered – to sign up for the annual Recreational Boating Association of Washington (RBAW) and Northwest Marine Trade Association (NMTA) Day in Olympia. This is YOUR chance to make the voice of recreational boating heard louder and better than what I can do! 😊 We have a slate of some 9-10 meetings scheduled via Zoom and running throughout the day. A huge shout-out to Board Vice President for Administration Andrea Pierantozzi for her work in helping get this set up. Link to register here:

[RBAW - 2021 Legislative Day \(virtual\)](#)

We will look back on January 2021 as one of the wettest months on record for our state – and as the month where the Washington State Legislature kicked off a Session that has been unprecedented in nature. Here is my January 2021 report for Recreational Boating Association of Washington (RBAW) Members:

A Session like no other: As I signaled in my introductory paragraph, the need to mask up and social distance under the ongoing COVID-19 pandemic has made the 2021 Session of the Legislature a session like no other. With the exception of skeleton crews of legislators and staff, nearly all the work of the session is being done *virtually*. All Senate and House hearings are being conducted via Zoom, and Members are using either Zoom or Microsoft Teams (*and sometimes that old-school device known as the 'telephone'* 😊) to conduct their virtual 'in-office' meetings. Lobbyists such as myself are in fact prohibited from being on the Capital Campus, making our workdays virtual ones as well. Somehow, through it all, the process is working. Hearings via Zoom have actually had the effect of making the Legislature *more* accessible to citizens and organizations from throughout the state, with key Committees seeing record numbers of testifiers and sign-ins through the remote system that has been set up. Score one for American ingenuity!

Seattle Boat Show Goes Virtual: As I write this, our friends and colleagues at the Northwest Marine Trade Association (NMTA) will have just completed their first-ever virtual Boat Show, in another bow to doing business under a global pandemic. I will be very interested to hear how it went and what attendance was like! I understand Peter Schrappen of NMTA did a Johnny Carson-like monologue the afternoon of January 29 that was a hit with attendees. I want to thank all of the Board Members and others from our organization who pitched in to make the Boat Show happen and to fly the RBAW flag.

Lakebay Marina: January was really a build-up month for us as we at the RBAW Marine Parks Conservancy worked with the Department of Natural Resources to make final touch-ups on a \$1.776 million acquisition and planning grant application for the Lakebay Marina. On Jan. 13, DNR,

with the Marina Parks Conservancy as a partners, submitted the formal application for funds through the Boating Facilities Program administered by the state's Recreation & Conservation Office (RCO). The next big date is Feb. 17 – at 1:10 p.m. to be exact – when Hannah Blackstock of the DNR's aquatics division and RBAW/Marina Parks Conservancy Board President Bob Wise make a presentation to an evaluation committee. About a week later, we'll learn how we did! Here's the opening line of our Fact Sheet on the project application: "*The Washington Department of Natural Resources (DNR) will use this grant to acquire and plan for the renovation of 17.5 acres of upland and tideland property at Lakebay Marina in Mayo Cove, located near the town of Lakebay.*"

Mobile Pump-Out Service for South Sound? RBAW Partners with Pierce County: Last month, the RBAW Board voted unanimously to contribute \$1,000 a year for the next two years to Pierce County to help the county with a matching funds requirement toward a \$100,000 Clean Vessel Act grant application through Washington State Parks. If successful, the funds would enable the County to create a badly-needed mobile pump-out service within the Key Peninsula-Gig Harbor watershed.

The funds would enable mobile pump-out service to areas such as Anderson Island, Long Branch Marina, Mayo Cove, and Wollochet Bay. Pierce County would acquire a 2019 vintage, 26-foot pump-out boat for the project, docking it at the Tacoma Narrows Marina during boating season and operating the boat each year during the weekend days of May 1 through Sept. 31. Organized boating groups also would be able to reserve the service in the off-season. Pierce County plans to serve at least 15-20 vessels each weekend and up to 35 during peak holiday times.

The county is planning on operating this boat annually on weekends from May 1st to September 31st. However, reservations are available in the off-season for organized boating groups. During this time period, Pierce County plans to service an average of 15-20 vessels each weekend, with the possibility of to 35 boats during peak holiday times. This can collect up to 8,000 to 10,000 gallons of sewage annually. The plan is to serve 700 vessels the first year and 900 in the second. The pump-out service will be run by Paul Wyen of Northwest Mobile Pumpout and Environmental Services. I want to salute RBAW for making this contribution, which should help pave the way for a service we sorely need!

2021 'Long' Session – Key Bills We Are Weighing in on: The Legislature began the 105-day Session on Jan. 11, and since then we have been quite busy! A quick rundown of bills we are engaged in via our RBAW Legislative Agenda priorities:

****2021-23 Capital Budget (SB 5083/HB 1080):** This budget includes just under \$15 million for the Boating Facilities Program – and it is through this program that we hope to receive our \$1.776 million grant for Lakebay. We also support about \$4.5 million in the budget for derelict vessel removals of some large vessels, including *The Hero* in Pacific County;

****HB 1018/Proposed Substitute Senate Bill 5176, Boating Safety:** These bills purported to 'just' add human-powered vessels to the statutory requirement for obtaining a Boater Education Card, but the way they are written leads to a broad array of "unintended consequences" and may not do much to promote enhanced safety in the water. The bills would also **remove** an exemption to obtaining the Boater Education Card for those born before 1955 – an exemption built into state law

over a decade and a half ago. I testified to our concerns with **HB 1018** on Jan. 20. On Jan. 25, Past President Steve Greaves and myself participated in a stakeholder meeting with the sponsor of the bill. There was to have been a hearing on **PSSB 5176** on Jan. 28, but it was cancelled. Most in the paddlecraft community are opposed to **1018/5176** and, if push came to shove, would probably opt for mandatory life-jacket wearing requirements over the Boater Ed Card requirement. Along with giving a shout-out to Steve Greaves, I want to applaud RBAW Treasurer Loyd Walker for all the work he has done outlining concerns with these bills.

****SB 5330 – Commercial Whale Watching Licenses:** We support this bill introduced on Jan. 22 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. I will testify in *support* of **SB 5330** on Feb. 4. FYI, I would like to particularly thank Vice President of Government Affairs Steve Finney and President Wise for their work and help on this issue.

****New-Revenue Transportation Proposals – Ensuring the “Non-Highway Refunds” are in place:** While there are not assigned bill numbers yet for these, both the Senate and House have introduced major proposals to invest in the state’s transportation system. There’s a good argument to be made for the need – though legislators will have to decide whether to raise gas taxes and impose “carbon” fees or taxes during a time when the economy is still in recovery mode. Because the proposals involve upping the state’s fuel tax by 6 cents or more, I testified on Jan. 28 in front of the Senate Transportation Committee, 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).

****HB 1107, expanding certain nonresident vessel permit provisions:** We support this NMTA-promoted legislation to make it easier for large vessels that are chartered or skippered can obtain non-resident vessel permits. The bill also increases the length of vessels that can secure these permits – from a maximum of 164 feet to a maximum of 200 feet. I signed in support of this bill on Jan. 25 when it received a hearing in the House Transportation Committee. Rep. Mike Chapman (D-Port Angeles/24th Dist.) is the prime sponsor.

And A Few Non-Legislative Notes....

Efforts with National Marine Fisheries Service (NMFS) on federal permitting for marina upgrades – federal/ESA lobbying firm brought on board: Throughout January, RBAW President Bob Wise, NMTA VP Peter Schrappen, Logan Brown of the firm Marine Floats, and I, have worked with the Thompson Consulting Group and its principal, Tim Thompson, on a series of meeting with federal regulators, in a continuing attempt to remove a hold on 39 marina upgrade projects throughout Puget Sound. While we appreciate Tim’s efforts, we continue to express frustration that

a path toward reasonable and affordable permits remains elusive. That said, we profusely THANK all the Yacht Clubs that are helping us as we continue to work tirelessly to find a solution!

Andrews Bay Issue – Some Want to Ban Boats Entirely: I have previously reported on an effort dating back to last summer, involving some citizens in the Seward Park neighborhood who sought to ban all boaters from Andrews Bay (*near Seward Park and across from Mercer Island in the South Seattle area of Lake Washington*). That request was triggered by concerns over excessive noise and rowdiness by some boaters. We have intervened, along with our colleagues at NMTA. We appreciate the time that Seattle Councilmember Tammy Morales has taken to talk with us and to seek thoughtful solutions that would allow boating to continue at Andrews Bay, under some system to address excess noise and over-the-top partying. Because I didn't put out a December report, I did not get a chance to give an in-writing shout-out to these nine (9) Clubs that wrote a terrific Dec. 21 letter to Councilmember Morales on this issue: *Edmonds Yacht Club; Port Ludlow Yacht Club; Rainier Yacht Club; Kingston Cove Yacht Club; Port Orchard Yacht Club; Seattle Yacht Club; Meydenbauer Yacht Club; Queen City Yacht Club; Tyee Yacht Club*. Thank you all!

Puget Sound-wide No Discharge Zone (NDZ): Late in 2020, a federal court ruled in favor of the American Ways Operators (AWO) on parts of a legal challenge it had filed against the U.S. Environmental Protection Agency (EPA) that called into question some of the decisions that led EPA to grant approval to the state Department of Ecology for establishment of a Puget Sound-wide No Discharge Zone (NDZ). In the aftermath of that ruling, Region 10 of the EPA reopened the public record for submittal of comments related to technical issues surrounding the NDZ, such as the "sufficiency" of pump-out service. Because we have supported the AWO's efforts and expressed a number of previous concerns with the NDZ designation, Board Members – led by Treasurer Loyd Walker and Past President Wayne Gilham – spent a significant time crafting formal RBAW comments. We submitted these comments to EPA Region 10 in late January. My thanks to Loyd, Wayne, and President Bob Wise for their work on this one!
