

## Recreational Boating Association of Washington (RBAW)

### Key 2020 Legislative & Regulatory Priorities

*NOTE: This list of 2020 legislative and regulatory priorities is based on a pre-Session snapshot of issues in play for RBAW. As other legislative and regulatory matters arise leading up to and during the 2020 Session, RBAW may consider those for a formal position and follow-up action.*

#### *Legislative and Budget Priorities*

**Capital Funds for Lakebay Marina Acquisition:** RBAW will work with lawmakers from the 26<sup>th</sup> Legislative District to obtain up to \$1.1 million in the 2020 Supplemental Capital Budget to acquire Lakebay Marina in the Key Peninsula. This marina has a history stretching back 135 years and was placed on the Pierce County Register of Historic Places in February 2019 – but has fallen on hard times recently and faces numerous regulatory and health and safety violations. RBAW is working through its recently established 501(c)(3) “RBAW Marine Conservancy” to obtain state funding that would allow this facility to be retained in the public domain and ultimately transitioned to a Marine State Park.

**Support enhancements to the Derelict Vessel Removal Program (DVRP) while urging the Legislature to look at more sustainably funding the program in the future:** RBAW is still in conversations with the Department of Natural Resources (DNR) with regard to a DNR-request bill that attempts to strengthen the DVRP while delaying a more robust pursuit of new funding until the 2021 Session of the Legislature. RBAW supports a provision in the DNR request legislation to expand the use of the Vessel Turn-In Incentive Program (VTIP) and to remove a \$200,000 cap that hinders the incentive from being as effective as it could be. Other insurance and secondary liability and enforcement provisions of the DNR bill are under discussion at this writing. RBAW’s big push is to more sustainably fund the DVRP and to have other sectors of boating and maritime – including commercial vessels – paying their fair share. At the present time, the \$3 per vessel registration equivalent paid in by recreational boaters ends up funding 85 to 90 percent of the DVRP.

**Track legislative discussions around boating safety to ensure any legislation put forth in 2020 does not impose undue burdens or mandates on recreational boaters:** Triggered by the fact that there have been four (4) fatalities in 2019 involving stand-up paddleboarders, state lawmakers such as Rep. Cindy Ryu (D-Shoreline/32<sup>nd</sup> Dist.) have convened discussions to look at what if any changes should be made to state statutes involving boating safety and boating education. As one example, current statutes call for a boating education card to be obtained by those operating motor-powered vessels but not kayaks or paddleboards. Additionally, mandatory life jacket requirements involve *having* these on board but not necessarily wearing them 24/7. RBAW will see how discussions play out but has concerns – absent any data -- about adding “wear at all times” requirements for life jackets for those registered vessels.

**Strongly Support \$50,000 Allocation to Update Outdoor Recreation Sector Economic Analysis:** RBAW will join a broad-based coalition of organizations in urging either the Legislature or the Executive Branch to expend \$50,000 in its 2020 Supplemental Operating Budget to update the “*Economic Analysis of Outdoor Recreation in Washington State*” report that was first released in January 2015. The initial report showed that the outdoor recreation sector generates \$21.6 billion a year in economic activity, \$12.5 billion in direct sales, and \$4.7 billion in household wages. Of that \$21.6 billion, some \$7 billion comes from the recreational boating sector. RBAW agrees that the study should be regularly refreshed and updated to give fiscal and policy decision-makers current information on the economic, social, health, and environmental benefits of the outdoor recreation sector.

**Work to ensure the state moves forward with *current* statute on Southern Resident Killer Whale (SRKW) protection, rather than attempting to unnecessarily rewrite or expand existing laws:** In 2019, RBAW, the Northwest Marine Trade Association, whale watching organizations and others worked through a Task Force process and legislative discussions to arrive at a carefully-negotiated measure regarding distances and regulations covering vessels in the presence of SRKWs. Specifically, **2SSB 5577** put in law a new 300-yard distance bubble between vessels and Southern Resident Killer Whales (*400 yards for boats to stay behind the whales*) and a 7-knot go-slow zone within one-half nautical mile when whales are present. RBAW and NMTA also worked collaboratively with Washington State Parks to obtain \$150,000 in Operating Budget funds to incorporate “Be Whale Wise” educational materials into the boater education card curriculum and to heighten awareness and information for boaters with regard to the importance of staying clear of SRKW pods. Legislators specifically rejected larger “no-go” zones and the imposition of new fees on boaters. While some groups are already asking to rewrite the 2019 law, RBAW and NMTA have worked with the Governor’s Office and the SRKW Task Force to ensure current laws are implemented first. RBAW and NMTA also are working with agencies such as the Washington State Department of Wildlife (WDFW) on “voluntary compliance and education first” approaches to enforcing the new laws.

**Study of what to do with copper bottom paint used on vessels:** Pursuant to legislative direction from the 2018 Session (**HB 2634**), the Department of Ecology has now completed a study which recommends phasing out the use of copper bottom paint on most vessels within five years. The Northwest Marine Trade Association would prefer a regulatory structure that restricts the leach rate from copper bottom paint vessels, similar to an approach used in California. RBAW will follow the NMTA’s lead on this issue and support the NMTA’s call for something akin to what is being done in California.

**Big Tent Outdoor Recreation Coalition – Outdoor Recreation Caucus:** RBAW is a member of the “Big Tent” and continues to support and contribute to its efforts to raise the profile of the outdoor recreation sector. The Big Tent Coalition also works closely with an Outdoor Recreation Caucus composed of numerous legislators and stakeholders. RBAW supports the ongoing work of the Big Tent and the ORC.

## *Regulatory Priorities*

**NOAA-Convened Programmatic Permit Approach to Address Mitigation Requirements for Marine Upgrades and Redevelopments:** RBAW and NMTA are actively participating in a process convened by NOAA, and requested by members of the Washington Congressional Delegation, to establish a programmatic permit process for determining mitigation requirements when marinas around the state are upgraded, redeveloped, etc. RBAW and NMTA will work hard to keep this process transparent and prevent exorbitant costs from being imposed on marina businesses and boating clubs which use marinas.

**Puget Sound Clean Air Agency Proposal to Establish Low-Carbon Fuel Standard:** The PSCAA recently released a draft proposal for establishment of an LCFS covering the four-county Central Puget Sound (*King, Pierce, Snohomish, and Kitsap counties*). At this point, the proposed standard would cover all vehicles and vessels and could add significant costs to owners of both on-road and on-water craft. RBAW will join NMTA and a coalition of others in pushing to have this regional LCFS standard delayed, since a Low-Carbon Fuel Standard is best handled statewide or nationally. Additionally, RBAW and NMTA believe the LCFS should at the very least exempt fuel used for boating, since it is a non-highway purpose under the 18<sup>th</sup> Amendment to the Constitution.

**Adoption of a National Electric Code (NEC) Standard to Apply to Ground-Fault Leakage at Marina Docks:** RBAW is pleased that both a recent State Labor & Industries (L&I) adoption of the 2017 NEC standards, and new federal standards, are resulting in an achievable outcome for marina operators while still providing electric shock drowning protections. This is particularly important to those Yacht Clubs and marinas that will need to upgrade dock wiring in concert with renovations. RBAW and NMTA are pleased that both federal and state law include a 100 milli-amp (mA) ground-fault leakage standard and 30 mA at the pedestal.

**‘Road Usage Charge’ Study & Recommendations – Ensure There is an Awareness of, and Plan for, Impacts to Non-Highway Tax Funding Set-Asides:** A Steering Committee working with the Transportation Commission has now released a draft report and recommendations regarding how the State of Washington could ultimately transition from a gas tax-based way of financing transportation to a “Road Usage Charge” (RUC) that collect fees on a per-mile-driven basis. RBAW and other groups that use funding from the gas tax on “non-highway purpose” boats, off-road vehicles, and snowmobiles want to ensure that money for the accounts and programs that fund infrastructure for them (*Boating Facilities Program, Non-Highway Off-Road Vehicle Account, and Snowmobile Account*) are left intact.

**Possible New Landing Zone on Lake Union Where Boats, Kayaks, Paddlers Would Be Prohibited:** RBAW is closely watching an emerging discussion between Lake Union boaters, paddlers, and kayakers and Kenmore Air, which wrote a letter to the City of Seattle implying there should be further protections for seaplanes taking off from and landing on Lake Union. Some have interpreted the Kenmore Air letter to be a request for a formal landing zone that would *prohibit* all boats, kayaks, paddleboards, etc. RBAW would strongly oppose such an idea and prefers to work collaboratively on things like the discretionary landing zone that has been piloted on Lake Union between Memorial Day and Labor Day.

**No Discharge Zone (NDZ) Proposal by the Department of Ecology (DOE):** RBAW and other members of the “Marine Alliance” strongly opposed the establishment of an NDZ covering the entirety of the Puget Sound basin. The Marine Alliance repeatedly proposed the idea of targeted NDZ zones similar to approaches used in California and the Chesapeake Bay area, but to no avail. While the Puget Sound-wide NDZ has been designated, both legal challenges and U.S. Coast Guard enforcement concerns have left the *implementation* of the NDZ in limbo. RBAW will continue to educate recreational boaters about potential NDZ impacts, and will work to ensure that the DOE utilizes a compliance-based, education-and-awareness approach (and not a punitive approach) if future implementation does indeed occur.

**Aquatic Lands Lease Process with Department of Natural Resources (DNR):** RBAW will continue to be a strong advocate of its Yacht Clubs and boating clubs that operate marinas on DNR aquatic lands and are subject to the agency’s leasing and lease-renewal requirements. As a way of bird-dogging the DNR aquatic lands lease process, RBAW and NMTA conduct regular quarterly meetings with DNR officials. RBAW will continue to ensure that recreational boating organizations are treated fairly by DNR and that a productive, no-surprises line of communication with the Agency continues.

**Capitol Lake/Lower Deschutes Management Plan – EIS Scoping and upcoming EIS:** The state Department of Enterprise Services is leading up this effort and has reached out to our Members (Olympia Yacht Club) in the South Sound area. RBAW will support efforts by OYC to ensure that any Capitol Lake/Lower Deschutes management plan preserves boating facilities and waterways.