

TO: RBAW Board

FROM: Doug Levy – 12/1/2020

RE: Report from State Lobbyist -- **NOVEMBER 2020**

RESPONSE NEEDED: For use at Thursday, Dec. 3 Board Meeting (*Doug will participate via Zoom*)

While 2020 has been an extremely trying year, we at the Recreational Boating Association of Washington (RBAW) will be able to look back on November 2020 through a very fond lens. It will be remembered as the month the Association held its most successful Annual Meeting ever, and the month the Lakebay Marina project sprung back to life. Here is my November report on those items and more.

Annual Meeting – and Draft Legislative/Regulatory Priorities: I want to again send tremendous kudos to Board Members such as Vice President of Administration Andrea Pierantozzi and Jill Larson for putting together a wildly successful Annual Meeting that drew well over 100 by-Zoom participants. One of the things we did at the Annual Meeting was cover the proposed legislative and regulatory priorities for RBAW, which I've attached along with this monthly report. I would like to ask that the Board take a vote at its December meeting to approve these priorities, so that we can have them ready for use during the 2021 Session of the Legislature.

Lakebay Marina: Most people will remember Nov. 3 as Election Day. We will too – but we will also recall it as the day the Lakebay Marina project came back to life! It is the day that current owner Mark Scott called our President Bob Wise to indicate he wanted to reconsider a previous RBAW offer to extend the Marine Parks Conservancy's purchase-and-sale agreement for Lakebay by one year. We now have a signed one-year extension of the purchase-and-sale agreement through Sept. 30, 2021. Just as importantly, we have formed an important collaboration with the Department of Natural Resources (DNR), which is taking the lead on a \$1.7 million Boating Facilities Program (BFP) grant application both for completing the purchase of Lakebay and for planning to cover improvements, permitting, and other needed actions post-purchase. We need to give a tremendous shout-out not only to DNR and its leader (Lands Commissioner Hilary Franz), but also to the Recreation and Conservation Office (RCO) and its Executive Director (Kaleen Cottingham) and grants manager (Marguerite Austin), who worked with us on a five-day deadline extension to allow the DNR and Marine Parks Conservancy to finalize the BFP application. We have since participated in a Nov. 17 presentation in front of an RCO technical evaluation committee and will now work with DNR to fine-tune the BFP application for *final* submission in January. We should hear by February whether we receive grant funding for Lakebay. One last note is that we are assembling letters of support for our application – and we thank organizations such as the Trust for Historic Preservation, Pierce County, Northwest Marine Trade Association, Washington Maritime Federation, Big Tent Outdoor Recreation Coalition, Elliott Bay Marina, KeyPen Historical Society, Olympia Yacht Club and others for their terrific on-the-record shows of support.

Andrews Bay Issue – Some Want to Ban Boats Entirely: I shared a couple months back that we had learned from longtime RBAW Members about an effort by some citizens in the Seward Park

neighborhood 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, to seek out a more thoughtful series of corrective actions that could be taken to regulate the misbehavior by a handful and keep Andrews Bay open to the vast number of boaters who respect and enjoy this jewel of an area. On Nov. 8, both myself and Peter Schrappen of NMTA met with Seattle City Councilmember Tammy Morales, whose City Council District includes Andrews Bay. She does *not* want to see the Bay closed down to all boaters, but *does* want to work with us on tools such as buoys and permits. There will be more discussions and activity on this issue in 2021.

Efforts with National Marine Fisheries Service (NMFS) on federal permitting for marina upgrades – federal/ESA lobbying firm brought on board: In November, NMTA, RBAW, the Tacoma-based firm of Marine Floats, and others banded together on a contract with the Thompson Consulting Group and its principal, Tim Thompson, to assist us on this issue. You will recall that we have been at a multi-year standstill with the Northwest Marine Fisheries Service (NMFS) on some 39 marina upgrade projects throughout Puget Sound that remain on hold. Tim Thompson has begun meetings with Congressional offices, NMFS and Army Corps of Engineers higher-ups, and others to see how we might be able to achieve a breakthrough and get some progress on these stalled permits. I want to profusely thank several of our member clubs for contributing funds to this federal lobbying effort, which RBAW then matched on a 1:1 basis. We are now working with Tim Thompson on a step-by-step strategic and outreach plan as we seek better news on the NMFS front.

Supporting the Pacific Whale Watch Association in expressing concern over Washington Department of Fish and Wildlife (WDFW) proposed restrictions on whale watching: In November, RBAW and NMTA teamed up on a letter that buttressed some of the concerns already expressed by the Pacific Whale Watch Association with respect to proposed WDFW rules on whale watching. We expressed concern that the rules attempt to use Washington Administrative Codes (WACs) to go beyond well-thought-out and carefully negotiated provisions of **Second Substitute Senate Bill 5577 (2SSB 5577)** enacted by the 2019 Legislature. We also raised concerns that the rules fail to account for the ‘sentinel’ role that whale-watching vessels play in ensuring the safety of Southern Resident Killer Whales (Orcas), and concerns that WDFW had not integrated some good-faith proposals put forth by the whale-watching sector. This proposed rule-making will now go before the State Fish and Wildlife Commission, with a legislative hearing also scheduled. I am including along with this report the joint letter signed by RBAW President Bob Wise and by NMTA.

Clean Vessel Act Pump-Out Grants: Last month we met with officials from Washington State Parks to discuss RBAW’s strong desire to have a mobile pump-out service return to heavily trafficked boating areas such as Lake Washington and Puget Sound before the opening of boating season in Spring 2021. State Parks has revamped its Clean Vessel Act grant program in hopes of drawing applications from public, non-profit, or private entities that could offer mobile pump-out service. We had State Parks Boating Programs Manager Rob Sendak speak at our Annual Meeting, and we’ve since seen State Parks finalize, publish, and circulate their grant application notice. I am hoping we can have some discussion at the Dec. 3 Board meeting as to what RBAW can do to publicize and promote this grant opportunity.

Working with NMTA, North Seattle Maritime Industrial Council to protect funding for Seattle Harbor Patrol: I don't have significant November updates to report. We continue to work closely on this issue with Peter Schrappen of NMTA and Eugene Wasserman at the North Seattle Maritime Industrial Council. We know the Seattle City Council will be further studying the role of the Harbor Patrol in 2021, and looking at whether it makes sense to move Harbor Patrol operations under the jurisdiction of the Fire Department (*we don't believe it does*).

Boating Safety/Mandatory Wearing of Personal Flotation Devices (PFDs): I have shared that we may again see some type of mandatory PFD "wear at all times" legislation in 2021. In preparation for possible legislation, I am planning to do some close analysis and tracking of drownings and accidents on the water. I have asked for and recently received data from State Parks and will report back to the Board and Membership after I have had a chance to analyze it.

Department of Natural Resources legislative 'asks' for 2021 related to Derelict Vessel

Removals: RBAW will be supporting legislative and budget requests by DNR related to the Derelict Vessel Removal Program. There are two main components of the DNR request: 1) 2021-23 Capital Budget funds (\$5+ million) to address a backlog of vessels needing to be removed off state waters; and 2) authorizing legislation and funding – enacted by the 2020 Legislature but subsequently vetoed by Governor Inslee to free up emergency COVID-19 funding – to work on a pilot project to evaluate ways to recycle vessels and vessel parts. While RBAW supports these items, we have asked for a much fuller effort on how to financially sustain the DVRP – including potential use of Watercraft Excise Tax monies that currently go into the State General Fund. We have a Dec. 16 meeting with DNR where this will be discussed further.

The Nov. 3 General Election and the 2021 Session of the Legislature to come: While we have had massive media coverage (traditional media, social media, and more) of the Presidential election last month, we shouldn't forget that our state's voters also decided on a Governor and other statewide officials, 98 State House races, and a couple dozen State Senate races. Governor Jay Inslee easily won re-election to a third four-year term, Democratic majorities in the Senate (28-21) and House (57-41) will remain relatively stable, and we will see more members of color serving in the Legislature than ever before. The leaders of the majority caucuses in the Senate (Majority Leader Andy Billig, D-Spokane) and House (Speaker Laurie Jinkins, D-Tacoma) and Minority Leader of the House (Rep. JT Wilcox, R-Yelm) remain the same, while Senate Minority Leader Mark Schoesler (R-Ritzville) is stepping down, with a vote later this week to determine who replaces him. I would say the other major news item about the 2021 Legislature is that much of it will be conducted virtually, with Zoom hearings and meetings replacing the in-person Session we're all accustomed to. RBAW and NMTA plan to schedule a "Day in Olympia" that will of course be virtual in nature – stay tuned for more details to come!
