

TO: RBAW Board

FROM: Doug Levy – 10/5/2021

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

Hello, everyone: We had a whirlwind of a September that I'll get into below, but please indulge me as we start off with a tribute.

- **To our friend and Board Member Bob Fisher – Rest in Peace:** The tribute I referenced is for longtime RBAW Board Member Bob Fisher. Bob passed away on Sept. 13, a little after turning 94 years old. We don't have a lot of details at this point – so if any of you have access to more information or the text of an obituary, please send them along. This is all we have thus far: [Robert FISHER Obituary \(neptunesociety.com\)](https://www.neptunesociety.com/robert-fisher-obituary) As our VP for Administration Andrea Pierantozzi aptly said of Bob Fisher, "He was a sweet man." Bob served many years on our Board and one of the things I will remember most fondly is when the City of Seattle made an aborted attempt to close the Ballard Bridge to on-call boat crossings. We fought that and asked for the rationale – and it was *slim* at best (I'm being charitable). Bob, a former University of Washington professor, compiled reams of data to show how questionable the 'case' was for the City. That data led us to a successful conclusion for thousands of boaters 😊. RIP and rest easy, friend.
- **A note about the state's revenue outlook:** The COVID-19 pandemic may still be with us, but the COVID-induced recession is a long way in the rear-view mirror – at least in Washington. The state's latest quarterly revenue forecast update came out Sept. 24, showing that the Governor and legislators should expect to see about \$927 million more than projected within the current 2021-23 biennium, and another \$931 million above projections for the 2023-25 biennium. This obviously makes it far less likely that the Legislature would try to 'sweep' or raid any capital or transportation budget accounts, something for which we are always on the lookout.
- **Lakebay Marina:** It isn't over until it's over, but we believe September brought us much, much closer to a completed purchase-and-sale agreement for Lakebay. President Bob Wise and the Department of Natural Resources' (DNR's) Michal Rechner spent several hours with the current owner back on Sept. 9, hammering out an amended agreement with Mr. Mark Scott that has DNR as the lead purchaser. The RBAW Marine Parks Conservancy is assigning its purchase rights to DNR since the \$1.7776 million Boating Facilities Program grant allocated to us technically must be directed to either a state or local agency that operates boating facilities. We now have an extended Dec. 31, 2021, deadline for the purchase-and-sale agreement to become official. Fingers crossed! I should add, FYI, that Bob Wise, myself, and DNR officials toured Washington State Parks Director Pete Mayer around the Lakebay site on a sunny Sept. 21 day, explaining to Pete why we think the best ultimate owner and operator of Lakebay should be the State Parks system (Penrose Point State Park is almost immediately adjacent to Lakebay).
- **Seattle Harbor Patrol:** September saw us continue our efforts to bolster the Seattle Harbor Patrol and put more of the SHP's men, women, and boats on the water. We built a broad-based

coalition, met with the Acting Police Chief and Mayor Durkan's office, and combined on the drafting of an op-ed piece that ran in the *Seattle Times* (online Sept. 12, print edition Sept. 13): [An underfunded Seattle Harbor Patrol needs public support | The Seattle Times](#) In October, we will be meeting with several Seattle City Council Members to push for a provision in the Mayor's budget that will allow the City to hire back some 125 law enforcement officers – and to ask for some of those FTEs to be directed toward Harbor Patrol. I want to give thanks to Sail Sandpoint executive director and RBAW Board Member Seth Muir for co-authoring the op-ed piece!

- **DNR's Derelict Vessel Removal Program:** We have been pushing DNR for years to look at new ways to more sustainably run the DVRP, especially since about ¾ of the Agency's biennial funding (\$1.44M) comes from the \$3-per-vessel equivalent that boaters pay toward the derelict vessel program when they establish or renew annual registrations. DNR has now decided to pursue an Agency Request bill in 2022 that would re-direct up to \$5 million of the Watercraft Excise Tax from the State General Fund to the DVRP. We see some key reasons to support this, but we also have heard some concerns and criticisms, including from Board Treasurer Loyd Walker. We will discuss this issue further at our Oct. 7 virtual Board Meeting.
- **Watercraft Excise Tax Depreciation Schedule:** While we're on the subject of the Watercraft Excise Tax, another important note: We've helped harness a coalition of folks to push back on some initial changes the Department of Revenue was prepared to make the depreciation schedule the state uses to assess the annual Watercraft Excise Tax. The state hasn't adjusted that schedule since 2010, even though DOR technically has statutory authority to adjust it each year. DOR began a rule-making this summer to adjust the WET depreciation schedule, and its *initial* draft of a new schedule led us to testify with strong criticism. That initial schedule would have had boats holding almost 100 percent of their value for the first few years! Our testimony, and a coalition letter we authored, led DOR to do a *revised* draft schedule that does a much better job of reflecting boat values over the first 10-15 years of a vessel's life. However, we still had strong concerns about the revised schedule's impact on older vessels, leading us to testify again at an August public hearing and author a second coalition letter which is attached to this report. I want to thank RBAW Members who have paid close attention to this issue and helped us make our case!
- **Donating to the RBAW Marine Parks Conservancy when you pay your vessel registration renewal online? We're looking into it!** One potential 2022 legislative item we are exploring involves the donation opportunity given to boaters to donate funds to a charitable cause when they renew their vessel registration online. We have learned that as a result of legislation enacted in 2010 (RCW 88.02.580), boaters who renew their vessel registration online are given the option of donating to the Grays Harbor Historical Seaport or the Steamer Virginia V Foundation. So, what if they could also donate to RBAW's Marine Parks Conservancy? President Bob Wise and I had a positive conversation with Senate Ways & Means Chair Christine Rolfes (D-Bainbridge Island/23rd Dist.) on that very topic on Sept. 23, and at the Senator's

recommendation, we will be meeting with Sen. Liz Lovelett (D-Anacortes/40th Dist.) in October to see if she would be willing to prime-sponsor a bill on this topic. With Sen. Rolfes' help, we learned from the Department of Licensing (DOL) that the RCW 88.02.580 option generated about \$105,000 in donations over the past four fiscal years – not a gold mine, but nothing to sneeze at, either. More to come on this topic – we'll keep you posted!

- **Mobile Pump-Out Service for Lake Washington/Lake Union:** In the last round of Clean Vessel Act grants awarded by Washington State Parks, the heavily boated Lake Washington/Lake Union area was noticeably absent when it came to funding for mobile pump-out service. We have met with Catherine Buchalski-Smith of State Parks and want to change that narrative in time for the 2022 opening day of boating season and what we hope will be a renewed SeaFair Festival in August 2022. We have more work and research to do -- but suffice to say that RBAW is working with State Parks on short-term options to get mobile pump-out service on the lakes in 2022, while perhaps pursuing a state Capital Budget funding strategy for 2023. My thanks to RBAW VP for Government Affairs Steve Finney for his efforts thus far on this issue.
 - **Boating safety legislation in 2022?** We very well may see legislation again 2022 that seeks to require Personal Flotation Devices (PFDs) for certain types of vessel users. A Washington State Parks Boating and Paddleboard Advisory Council (BPAC), of which RBAW Treasurer Loyd Walker is a member, is pondering something such as a requirement for kayakers and paddleboarders to have to wear a life jacket at all times they are on the water. This type of bill likely would be prime sponsored either by Rep. Cindy Ryu (D-Shoreline/32nd Dist.) or Rep. John Lovick (D-Mill Creek/44th Dist.), both of whom convened September discussions with the boating community. Again – more to come as we enter the fall months and draw closer to the 2022 Session.
 - **Efforts with National Marine Fisheries Service (NMFS) on federal permitting for marina upgrades:** In September, we were delighted to see that the Chair and Ranking Member of the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies sent a strongly-worded letter to leadership of the National Oceanic And Atmospheric Administration (NOAA) and the U.S. Army Corps of Engineers (Corps), urging that a detailed plan be provided for resolving what is now a 3-year backlog on permits for projects to upgrade and repair marinas around the Pacific Northwest. I've attached the letter, which is also co-signed by Washington State House Appropriations Members of Congress Derek Kilmer (D-6th Dist.) and Jaime Herrera Beutler (R-3rd District.). You will see that it asks the federal agencies for "your collective strategy and timeline for resolving those differences and working through the existing backlog of permits." Thanks to our friends at the Northwest Marine Trade Association (NMTA) who led our effort to work with Congressman Kilmer's office and put together this important letter. Now we will see if it yields actual results...
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