



# PROPOSED RULE MAKING

**CR-102 (August 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 05, 2017

TIME: 8:24 AM

**WSR 17-18-073**

**Agency:** Board of Pilotage Commissioners

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_
- Preproposal Statement of Inquiry was filed as WSR \_\_\_\_\_ ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).
- Proposal is exempt under RCW \_\_\_\_\_).

**Title of rule and other identifying information:** (describe subject) WAC 363-116-185: Pilotage Rates for the Grays Harbor Pilotage District

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 19, 2017	10:00am	2901 Third Avenue, 1 <sup>st</sup> Floor, Agate Conference Room, Seattle, WA 98121	

**Date of intended adoption:** October 19, 2017 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Sheri J. Tonn, Chair  
Address: 2901 Third Avenue, Suite 500  
Email: BeverJ@wsdot.wa.gov  
Fax: 206-515-3906  
Other:  
By (date) October 12, 2017

**Assistance for persons with disabilities:**

Contact Shawna Erickson  
Phone: 206-515-3647  
Fax: 206-515-3906  
TTY:  
Email:  
Other:  
By (date) October 16, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposal is to establish a 2018 Grays Harbor Pilotage District annual tariff.

The proposal as detailed calls for the following adjustments: *Pension Charge*: a decrease from \$528 to \$500\*  
\* As the administrator of Grays Harbor pension funds for retired Grays Harbor pilots, Puget Sound Pilots provides this calculation.

**Reasons supporting proposal:** RCW 88.16.035 requires that a tariff be set annually.

**Statutory authority for adoption:** Chapter 88.16 RCW

**Statute being implemented:** RCW 88.16.035

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** Current rates for the Grays Harbor Pilotage District expire December 31, 2017. New rates must be set accordingly. All requirements necessary to amend the existing Grays Harbor Pilotage District tariff as set forth in RCW 53.08 have been met. The Board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from the public and any other interested party.

**Name of proponent:** (person or organization) Port of Grays Harbor

<input type="checkbox"/> Private
<input checked="" type="checkbox"/> Public
<input type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Jaimie C. Bever	2901 Third Avenue, Seattle, WA 98121	206-515-3887
Implementation: Commissioners	Board of Pilotage	2901 Third Avenue, Seattle, WA 98121	206-515-3904
Enforcement: Commissioners	Board of Pilotage	2901 Third Avenue, Seattle, WA 98121	206-515-3904

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: RCW 34.05.328 does not apply to the adoption of these rules. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328(5)(a)(i).

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary: .


**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> September 5, 2017	<b>Signature:</b> 
<b>Name:</b> Jaimie C. Bever	
<b>Title:</b> Executive Director (Interim)	

AMENDATORY SECTION (Amending WSR 16-22-034, filed 10/26/16, effective 1/1/17)

**WAC 363-116-185 Pilotage rates for the Grays Harbor pilotage district.** Effective 0001 hours January 1, ((2017)) 2018, through 2400 hours December 31, ((2017)) 2018.

**CLASSIFICATION** **RATE**  
Charges for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

**Draft and Tonnage Charges:**

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district.

Draft	\$114.97 per meter or \$35.04 per foot
Tonnage	\$0.329 per net registered ton
Minimum Net Registered Tonnage	\$1,152.00
Extra Vessel (in case of tow)	\$646.00

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$6,387.00 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2, or that go to anchor and then go directly to Terminal No. 2, or because Terminal No. 2 is not available upon arrival that go to layberth at Terminal No. 4 (without loading or discharging cargo) and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage charges listed above.

**Boarding Charge:**

Per each boarding/deboarding from a boat or helicopter \$1,092.00

**Harbor Shifts:**

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$803.00

Delays per hour \$189.00

Cancellation charge (pilot only) \$315.00

Cancellation charge (boat or helicopter only) \$944.00

**Two Pilots Required:**

When two pilots are employed for a single vessel transit, the second pilot charge shall include the harbor shift charge of \$803.00 and in addition, when a bridge is transited the bridge transit charge of \$346.00 shall apply.

**Pension Charge:**

Charge per pilotage assignment, including cancellations \$((~~528.00~~)) 500.00

**Travel Allowance:**

Transportation charge per assignment \$105.00

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$1,064.00 for each day or fraction thereof, and the travel expense incurred.

**Bridge Transit:**

Charge for each bridge transited \$346.00

Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam \$946.00

**Miscellaneous:**

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.