



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: **Board of Pilotage Commissioners**

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Substitute Senate Bill 5262 was passed by the 2017 Legislature which increased the tonnage limitations and revised the license requirements for petitioners on foreign flagged yachts and small passenger vessels. This amendment to RCW 88.16.070 becomes effective July 23, 2017.

Purpose:

To align the language of this rule so it is consistent with the statute. The proposed changes are also intended to modify the fee structure for applying for an exemption from pilotage requirements.

Citation of existing rules affected by this order:

Repealed:

Amended: **WAC 363-116-360**

Suspended:

Statutory authority for adoption: Chapter 88.16. RCW

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as **WSR 17-10-048** on **April 28, 2017**.

Describe any changes other than editing from proposed to adopted version:

The adopted changes to the fee schedule for a 3 month or less exemption for yachts include \$700 for vessels up to and including 100 FT LOA, \$1,000 for vessels up to and including 200 FT LOA and 750 gross tons, \$1,500 for a new category of vessels up to and including 200 FT LOA and 751 to 1,300 gross tons; a 1 year or less exemption for yachts \$1,000 for vessels up to and including 100 FT LOA, \$1,400 for vessels up to and including 200 FT LOA and 750 gross tons, \$1,500 for a new category for vessels up to and including 200 FT LOA and 751 to 1,300 gross tons; for an annual renewal \$600 for vessels up to and including 100 FT LOA, \$800 for vessels up to and including 200 FT LOA and 750 gross tons, \$1,500 for a new category of vessels up to and including 200 FT LOA and 751 to 1,300 gross tons, \$1,000 for passenger vessels up to and including 100 FT LOA, \$1,200 for passenger vessels up to and including 200 FT LOA.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: **N/A**

Name: _____ phone () _____

Address: _____ fax () _____

e-mail _____

Date adopted: June 15, 2017

NAME (TYPE OR PRINT)

Peggy Larson

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 22, 2017

TIME: 7:53 AM

WSR 17-14-005

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

WAC 363-116-360 Exempt vessels. (1) Under the authority of RCW 88.16.070, application may be made to the board of pilotage commissioners to seek exemption from the pilotage requirements for the operation of a limited class of small passenger vessels, which are not more than ~~((five))~~ one thousand three hundred gross tons (international), do not exceed two hundred feet in length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and are operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or yachts, which are not more than ~~((seven))~~ one thousand three hundred ~~((fifty))~~ gross tons (international), and do not exceed two hundred feet in length. For purposes of this section, any vessel carrying passengers for a fee, including yachts under charter where both the vessel and crew are provided for a fee, shall be considered a passenger vessel.

The owners or operators of the vessel for which exemption is sought must:

(a) Complete and file with the board a petition requesting an exemption at least forty-eight hours prior to planned vessel operations where possible. Petitions filed with less than forty-eight hours notice may be considered by the chair at the chair's discretion on a board-approved form. The form shall include a description of the vessel, the contemplated use of vessel, the proposed area of operation, the names and addresses of the vessel's owner and operator, the areas and dates of planned operations, and such other information as the board shall require.

(b) Pay the appropriate initial application or renewal fee with the submittal of the petition, which is listed in subsection (5) of this section.

(2) All petitions for exemption filed with the board shall be considered at its next regularly or specially scheduled meeting. Consistent with the public interest, the chair may grant an interim exemption to a petitioner subject to final approval at the next board meeting, where special time or other conditions exist.

(3) Any grant of an exemption, including interim exemptions, may contain such conditions as the board, or in the case of an interim exemption, the chair, deems necessary to protect the public interest in order to prevent the loss of human life and property and to protect the marine environment of the state of Washington.

Such conditions may include: A requirement that the vessel employ the services of a pilot on its initial voyage into state pilotage waters; and/or that the master of the vessel at all times hold as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than sixteen hundred gross tons or as a master of inland steam or motor vessels of not more than five hundred gross tons, such license to include a current radar endorsement; and/or that the vessel possess specific navigational charts, publications and navigational equipment necessary to ensure safe operation.

(4) The board shall annually, or at any other time when in the public interest, review any exemptions granted to the specified class

of small vessels to ensure that each exempted vessel remains in compliance with the original exemption and any conditions to the exemption. The board shall have the authority to revoke such exemption when there is not continued compliance with the requirements for exemption.

(5) Fee Schedule for Petitioners for Exemption

	3 Months or Less	1 Year or Less	Annual Renewal
A. Yachts			
Up to and including 50 feet LOA	\$50	\$50	\$50
Up to and including 100 feet LOA	((450)) <u>700</u>	((750)) <u>1000</u>	((300)) <u>600</u>
Up to and including 200 feet LOA and 750 gt	((750)) <u>1000</u>	((1125)) <u>1400</u>	((450)) <u>800</u>
<u>Up to and including 200 feet LOA and 751 to 1300 gt</u>	<u>1500</u>	<u>1500</u>	<u>1500</u>
B. Passenger Vessels			
Up to and including 100 feet LOA	1125	1500	((600)) <u>1000</u>
Up to and including 200 feet LOA	1500	1500	((750)) <u>1200</u>

(6) Petitions for annual renewals must be submitted within one year of the expiration of the previous exemption.