



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 19, 2024

TIME: 10:37 AM

WSR 24-03-112

Agency: Board of Pilotage Commissioners

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:

Purpose: The purpose of this rulemaking is to update the pilotage exemption fee schedule to better align with administrative costs of exemption processing and to conduct minor housekeeping of the language for clarity.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 363-116-360 Exempt Vessels

Suspended:

Statutory authority for adoption: Chapter 88.16 RCW, Pilotage Act

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-22-088 on October 30, 2023 (date).

Describe any changes other than editing from proposed to adopted version: None

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>1</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>1</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 18, 2024

Name: Jaimie C Bever

Title: Executive Director

Signature:



WAC 363-116-360 Exempt vessels. (1) Under the authority of RCW 88.16.070, application via petition 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 (~~one thousand three hundred~~) 1,300 gross tons (international), do not exceed (~~two hundred~~) 200 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 (~~one thousand three hundred~~) 1,300 gross tons (international), and do not exceed (~~two hundred~~) 200 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~~) 48 hours prior to planned vessel operations where possible. Petitions filed with less than (~~forty eight~~) 48 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 or upon receipt of invoice from the BPC, 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; the vessel master attends an orientation meeting with a pilot as determined by the board; the vessel master review all written orientation materials; 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~~) 1,600 gross tons or as a master of inland steam or motor vessels of not more than (~~five hundred~~) 500 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

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

	<u>1 Year or Less</u>	<u>Annual Renewal</u>
<u>A. Yachts</u>		
<u>LOA 65 feet and under</u>	<u>\$100</u>	<u>\$100</u>
<u>LOA 66-125 feet</u>	<u>1100</u>	<u>900</u>
<u>LOA 126-200 feet</u>	<u>1500</u>	<u>1400</u>
<u>B. Passenger Vessels</u>		
<u>Up to and including 200 feet LOA</u>	<u>1500</u>	<u>1500</u>

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