

WSR 24-03-112  
PERMANENT RULES  
BOARD OF  
PILOTAGE COMMISSIONERS

[Filed January 19, 2024, 10:37 a.m., effective February 19, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making 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: Amending WAC 363-116-360 Exempt vessels.

Statutory Authority for Adoption: Chapter 88.16 RCW, Pilotage Act.

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

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 18, 2024.

Jaimie C. Bever  
Executive Director

**OTS-5045.1**

AMENDATORY SECTION (Amending WSR 17-14-005, filed 6/22/17, effective 7/23/17)

**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

	<del>((3 Months or Less</del>	1-Year or Less	Annual Renewal
A. Yachts			
Up to and including 50-foot LOA	\$50	\$50	\$50
Up to and including 100-foot LOA	700	1000	600
Up to and including 200-foot LOA and 750-gt	1000	1400	800
Up to and including 200-foot LOA and 751 to 1300-gt	1500	1500	1500
B. Passenger Vessels			

	<del>((3-Months or-Less</del>	<del>1-Year or-Less</del>	<del>Annual Renewal</del>
Up to and including 100 feet LOA	<del>1125</del>	<del>1500</del>	<del>1000</del>
Up to and including 200 feet LOA	<del>1500</del>	<del>1500</del>	<del>1200))</del>

	<u>1 Year or Less</u>	<u>Annual Renewal</u>
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A. Yachts

<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>

B. Passenger  
Vessels

<u>Up to and including 200 feet LOA</u>	<u>1500</u>	<u>1500</u>
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(6) Petitions for annual renewals must be submitted to the board within one year of the expiration of the previous exemption.