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5 **BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

6 WASHINGTON UTILITIES AND
7 TRANSPORTATION COMMISSION,
8 Complainant,

Docket TP- 190976

9 v.

10 PUGET SOUND PILOTS,
11 Respondent.

12 **TESTIMONY OF**
13 **MONIQUE WEBBER**
14 **OPERATIONS MANAGER & YACHT AGENT**
15 **PACIFIC YACHT MANAGEMENT**

16
17 **MAY 26, 2020**
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EXHIBIT LIST

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MW-02	Monique Webber Resume	1
MW-03	Washington Pilotage Exemption Application	2
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MW-05	PSP Invoice MY Big Fish #1 10.6.2018	4
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1 **I. IDENTIFICATION OF WITNESS**

2 **Q: Please state your name, position at Pacific Yacht Management & business**
3 **address.**

4 **A:** My name is Monique Webber. I am the Operations Manager and Yacht Agent for
5 Pacific Yacht Management (“PYM”) which is located at 2284 West Commodore Way,
6 Suite 120, Seattle, WA 98199.

7 **Q: How long have you worked at PYM? What are your duties at PYM?**

8 **A:** Since May 2016 I have been the Operations Manager and Yacht Agent for PYM. As
9 Operations Manager, I am responsible for accounts payable, accounts receivable,
10 human resources, billing clients, and dispatching jobs to technicians. As Yacht Agent,
11 I am responsible for all the logistics for incoming transient foreign flagged recreational
12 vessels. I coordinate moorage, fueling, provisions, scheduling pilotage assignment,
13 completing pilotage exemption applications, CBP paperwork, and other needs that arise
14 from the vessel.

15 **Q: Will you please describe your educational/work experience prior to joining PYM?**

16 **A:** Please see my resume attached as Exh. MW-02.

17 **II. PURPOSE OF YOUR TESTIMONY**

18 **Q: Will you please describe what you are seeking to accomplish through your**
19 **testimony?**

20 **A:** I am testifying to how pilotage laws affect foreign flagged recreational vessels in
21 Washington State, the process of applying for pilotage exemption and the process of
22 scheduling a PSP for a vessel. I will also be testifying about the international clearance
23 process for US Customs and Border Patrol, the economic impact of recreational vessels
24 on Washington State, and what the recreational maritime businesses in Washington
25 State are doing to market the region to the recreational boating community around the

1 world. The ultimate hope for this testimony is to establish a separate tariff rate for
2 foreign flagged recreational vessels that takes into account the fact that these vessels
3 are unable to generate income for themselves in Washington State but generate income
4 for businesses in Washington state.

5 **A. Effects of Pilotage & Obtaining an Exemption**

6 **Q: How does the pilotage law affect your clients?**

7 **A:** In accordance with RCW 88.16.070, foreign flagged vessels of any size are subject to
8 pilotage in Washington's pilotage districts. A vessel is able to apply for an exemption
9 to pilotage if they meet the length and tonnage requirements for an exemption. To be
10 considered for a pilotage exemption the vessel must be 200' length over all (LOA) or
11 under and under 1,300 gross tons for a recreational vessel. If the vessel exceeds those
12 limits, they are required to have a pilot for every movement of the vessel within the
13 pilotage zones of Washington State.

14 **Q: What is the process for obtaining a pilotage exemption?**

15 **A:** The Board of Pilotage Commissioners (BPC) requires an application (Exb MW-03) to
16 be completed and submitted to the BPC for review. The application includes
17 information about the captain(s) and their experience in Washington waters, the reason
18 the vessel is coming to Washington, information about the crew, information about
19 navigation equipment on the vessel, a picture of the vessel, a copy of the federal
20 COFR, a copy of the captain(s) license and proof of insurance. The application is
21 then presented to the BPC at a monthly meeting and voted on by the member of the
22 BPC. An application can be approved, approved with conditions, or denied. In special
23 cases, an interim exemption can be given by Chair Tonn to a vessel with the
24 understanding that the interim exemption can be revoked, or have conditions added at
25 the next board meeting when the entire BPC votes on the application.

1 **B. Scheduling PSP, Salmon Bay Tariff & Paying for Services**

2 **Q: What is the process for ordering a PSP for a vessel?**

3 **A:** To schedule a pilot for a vessel, I call the PSP dispatchers to relay to them the
4 information about the vessel. Assignment calls are requested to be made Monday thru
5 Friday between 8am and 5pm, with a minimum of 24-hour notice for the assignment.
6 The dispatcher will ask for the IMO number and the name of the vessel. If the vessel is
7 not in PSP's dispatch system, then I inform them of gross tonnage, net tonnage, length,
8 draft, and width of the vessel. Once the vessel information is collected, I relay to PSP
9 dispatch the specifics of the trip. This includes the location where PSP will board the
10 vessel, disembark the vessel, and the start time and location of the vessel or ETA to Ediz
11 Hook. If the trip is an "orientation cruise", which can be required by the BPC, then I
12 tell dispatch that the trip is an "orientation cruise" and the PSP on the vessel is to go
13 over the orientation checklist with the captain during the transit. My clients are assigned
14 the lowest level pilot available based on the vessel's gross tonnage, but are charged the
15 same rates as income-generating commercial vessels.

16 **Q: What is the process of paying for pilotage services?**

17 **A:** For assignments that PYM books, we are emailed an invoice, usually the day after the
18 service is rendered. PYM writes PSP a check and mails payment to the address on PSP's
19 invoices, which is a PO Box in St Louis, Missouri. From what I understand, I expect
20 the process to be the same for other yacht agents who are booking assignments for their
21 clients.

22 **Q: Are there any tariffs that affect mainly recreational vessels?**

23 **A:** Since 4 of the 6 marinas built for larger recreational vessels are in the fresh waters of
24 Salmon Bay and Lake Union, recreational vessels with PSP on board will have the
25 Salmon Bay tariff, or the Lake Union tariff, added to their invoices for any type of

1 pilotage services in these areas. These tariffs (Exh MW-04) are added as an additional
2 fee to the vessel for each assignment the vessel has in Salmon Bay or Lake Union
3 whether the vessel transits the Ballard Locks or not.

4 **C. Recreational Vessel International Clearance**

5 **Q: What is the immigration and agricultural clearance process for US Customs and**
6 **Border Patrol (CBP) for recreational vessels?**

7 **A:** The State of Washington has 7 ports of entry for vessels to clear into the United States
8 from a foreign destination. Federal law requires a vessel under 300' LOA to stop at the
9 first port of entry for clearance into the United States. For most recreational vessels
10 coming from a foreign destination, the first port of entry is Port Angeles. To comply
11 with federal law, recreational vessels subject to pilotage must pick up their PSP in the
12 waters off Ediz Hook and then transit to Port Angeles Boat Haven, or another agreed
13 upon dock or moorage in Port Angeles Harbor. Once the vessel is docked or at anchor,
14 and prior to immigration clearance the PSP will disembark the vessel because their
15 assignment is complete (Exh MW-05). CBP officers will board the vessel and conduct
16 an immigration clearance on all the crew. After immigration clearance is complete, I
17 notify PSP dispatch and a different pilot is sent to the vessel to take the vessel to its
18 final location and complete an "orientation cruise", if required (Exh MW-06).
19 Agricultural clearance is normally completed at the vessel's final destination because
20 the incineration facility is located in Seattle. Once docked at their final location, an
21 Agricultural CBP officer will board the vessel and complete a purge of the vessel's
22 food stores, ensure the purged goods are picked up by the disposal company, and then
23 issue the vessel domestic status

1 **D. Economic Impact of Foreign Flagged Recreational Vessels**

2 **Q: What is the economic impact of foreign flagged recreational vessels entering**
3 **Washington waters?**

4 **A:** While in Washington waters, a 100' professionally crewed recreational vessel will
5 spend on average \$20,000.00 a week on moorage, electricity, fuel, provisions, repair
6 service costs, parts for the vessel, rental cars, and personal or sightseeing purchases
7 made by each crew member. In 2019, PYM billed 23 transient foreign flagged
8 recreational vessels more than \$905,000.00 for services provided in Washington State.
9 This figure does not include any money spent on goods and services not associated
10 with PYM.

11 **Q: What entices foreign flagged recreational vessels to come to Washington?**

12 **A:** Most of my clients come into Washington waters to have repair work completed on
13 their vessel, make crew changes, and provision and fuel the vessel before heading north
14 to British Columbia or Alaska for the summer cruising season. Washington state is
15 home to 3 large custom yacht builders; Westport, Delta Marine, and Nordlund Boat
16 Company. Aside from the 3 recreational shipyards, Washington is home to North
17 America's largest fishing fleet, North Pacific fishing fleet. The Puget Sound region has
18 one of the largest concentrations of marine service providers in the US and our
19 technicians keep the fishing fleet operating and coming home from Alaska year after
20 year. The availability of repair facilities, the ability to haul out very large vessels at
21 commercial yards, the availability and reasonable cost of qualified marine technicians
22 to complete repairs, and the close proximity to the cruising grounds of the San Juan
23 Islands, British Columbia's Inside Passage, and Alaska make Washington state a
24 desirable place for foreign flagged vessels to visit.

1 **E. Competition for Repair Business**

2 **Q: What detracts a foreign flagged recreational vessel from coming to Washington**
3 **for repair work & cruising?**

4 **A:** The pilotage rules and rates have a negative impact on the economics of the
5 recreational maritime industry in Washington. We compete with California repair

6 **Q:** facilities, where in some ports, like San Diego, there are no length or tonnage limits to
7 prohibit a foreign flagged recreational vessel from obtaining a pilotage exemption (Exh

8 **A:** MW-07). We also compete with British Columbia repair facilities, where vessels can
9 employ the services of a Pacific Pilotage Authority (PPA) approved Pilotage Waiver
10 Officer. The Pilotage Waiver Officer is a local captain that has been approved for a
11 year long waiver from the PPA to pilot a vessel in compulsory pilotage grounds in
12 British Columbia. The Pilotage Waiver Officer is not a member of the PPA and charges
13 vessels at a much lower rate than the PPA tariff (Exh MW-08, Exh MW-09, Exh
14 MW-10, and Exh MW-11).

15 **F. Competition for Repair Business**

16 **Q: What is the local recreational maritime community doing to market Washington**
17 **state?**

18 **A:** For the last 12 years, many of the vendors that offer support and services to foreign
19 flagged recreational vessels have been part of Superyacht Northwest (SYNW). SYNW
20 is a committee of the Northwest Marine Trade Association (NMTA). We have 33
21 Founding Members, from Tacoma to Juneau, who work cooperatively to market and
22 provide resources for the repair, re-fit, maintenance, and cruising options for
23 recreational vessels with the goal of increasing the number of recreational vessels that
24 visit the Pacific Northwest each year. SYNW works to entice recreational vessels to
25 the PNW for the cruising grounds and to stay for the winter for needed repairs.

1 SYNW participates in the Fort Lauderdale International Boat Show, with a booth in the
2 American Pavilion, and the Antigua Yacht and Charter Show. We also have a very
3 active presence on social media with Facebook and Instagram pages. Our website,
4 synw.org, provides additional information about the group.

5
6 **III. CONCLUSION**

7 **Q: Does this conclude your testimony for now?**

8 **A: Yes it does.**

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