

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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BOARD OF PILOT COMMISSIONERS BOARD MEETING MINUTES December 13, 2012 8:30 am

OPEN MEETING

1. Call to Order and Roll Call – President Miller

President Knute Michael Miller called the meeting to order at 8:51 a.m. Vice President Frank Johnston and Commissioners David Wainwright, Steve Roberts and John Cronin were present, constituting a quorum. Business, Transportation and Housing Agency Acting Secretary Brian P. Kelly was represented by Special Assistant to the Secretary Ben DeAlba. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, and Office Technician Sigrid Hjelle.

President Miller announced that the Board would first consider Agenda Item 20: “Review of findings and sanctions approved by the Board in the incident review of the M/V OVERSEAS TAMPA. The Board may go into closed session for the review and approval of findings in the incident involving the M/V OVERSEAS TAMPA, pursuant to Harbors and Navigation Code section 1180.6(a) and Government Code section 11126(c)(3).”

President Miller announced that those Board members who had received the Incident Review Committee report and recommendations and deliberated in the case of the M/V OVERSEAS TAMPA would meet in closed session to review the findings and sanctions approved by the Board at its November 26, 2012 meeting. Further, the Board would otherwise stand in recess until 9:30 a.m. when it would reconvene and continue to consider the meeting agenda in regular order.

At 8:53 a.m., President Miller and Commissioners Wainwright, Roberts, and Cronin, together with Board Counsel Eagan, met in closed session and the Board otherwise stood in recess.

The closed session concluded at 9:26 a.m.

The Board reconvened in open session at 9:34 a.m.

Vice President Frank Johnston and Commissioners David Wainwright, Steve Roberts, Jack Brooks and John Cronin were present, constituting a quorum. Business, Transportation, and Housing Agency Acting Secretary Brian P. Kelly was represented by Special Assistant to the Secretary, Ben DeAlba. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, and Office Technician Sigrid Hjelle. San Francisco Bar Pilots

(SFBP) Port Agent Capt. Peter McIsaac was also seated at the Commission table. Commissioner Osen listened to the meeting telephonically from a remote location outside the State of California but did not speak or otherwise participate.

President Miller stated that actions taken during the closed session of the Board would be reported later in the meeting as the Board considered the agenda in regular order.

2. Request Approval of Minutes – President Miller

President Miller requested approval of the minutes of the November 15, 2012 Board meeting. Commissioner Wainwright moved approval of the minutes with authority to Board staff to make clerical, non-substantive changes. Vice President Johnston seconded the motion, which passed unanimously on a voice vote.

President Miller requested approval of the minutes of the November 26, 2012 Board meeting. Vice President Johnston moved approval of the minutes with authority to Board staff to make clerical, non-substantive changes. Commissioner Cronin seconded the motion, which passed unanimously on a voice vote, Commissioner Brooks abstaining because he had not attended the November 26th meeting.

3. Announcements – President Miller

President Miller reported that he had engaged in an exchange of emails with Captain Harry Dudley of the Washington State Board of Pilotage Commissioners. Captain Dudley confirmed that the Washington Board continues to be committed to hosting a Pacific Coast Regional Pilotage Regulators meeting during the first calendar quarter of 2013. However, the date is still uncertain. President Miller also reported that Captain Dudley hopes to include regulators from Hawaii and California ports not previously represented at the regional meetings. President Miller stated his support for this expansion of the regional meetings.

4. Board Member Activities – Board Members

Commissioner Brooks reported that he had received a call from the Governor's Office and engaged in a conversation with a representative of the Governor. Commissioner Brooks stated that he thought it would be inappropriate to discuss the substance of the conversation and would not discuss it, but he wanted the Board to know of the call.

5. Executive Director's Report – Executive Director Garfinkle

A) Correspondence and Activities since the November 15, 2012 meeting.

Executive Director Garfinkle gave the following report of correspondence received by Board staff since the last meeting:

On November 28, 2012, Board staff received a copy of a Safety Recommendation issued by the NTSB on November 27, 2012, recommending that the United States Coast Guard follow, at a minimum, the post-accident drug and alcohol testing standards set for U.S. Merchant Mariners.

On December 7, 2012, Board staff received a copy of a letter from San Francisco Bar Pilots (SFBP) President Captain Peter McIsaac addressed to Captains Wainwright and Roberts, in which Captain McIsaac provided comments on the recently proposed amendments to the Board's regulations concerning pilot fitness.

On December 7, 2012, Board staff received a copy of a notice published by the U.S. Department of Transportation (DOT)—forwarded by Pacific Merchant Shipping Association (PMSA) Vice President Mike Jacob, in which the DOT addresses the recent passage of state initiatives that permit use of marijuana for recreational use. The notice states that the DOT wants it to be perfectly clear that the state initiatives will have no bearing on the DOT's regulated drug testing program. They also firmly reiterate that a Medical Review Officer (MRO) will not verify a drug test as negative based upon information that a physician recommended medical marijuana when states have medical marijuana initiatives.

On December 3, 2012, Captain Chris Anderson, who recently was awarded a disability pension by the Board, surrendered his license.

On December 4, 2012, Executive Director Garfinkle received a call from National Maritime Center Dr. Laura Gillis, wherein she inquired of the Board action in a recent case involving a pilot disability pension request. The Doctor expressed approval when informed that the Board, acting on a Board designated doctor's recommendation, awarded a disability pension to a pilot found by the Board doctor to be disabled. She subsequently acted to revoke the waiver previously granted on his federal license and commended the Board for setting high standards with regard to pilot fitness. Dr. Gillis was referred to our University of California San Francisco (UCSF) Pilot Fitness Study on the Board web site as well.

On December 11, 2012, Board staff received a letter from Captain Craig Reeder inquiring about his appeal for review of his denied pension application, submitted in April 2012. He requests a response from the Board as to the status of his pension appeal, confirming that it is under active review, and an estimated date when the Board might rule on his appeal.

B) Report on pilot licensing matters in the past month and current month.

Executive Director Garfinkle gave the following report:

There were no license renewals between the October and November Board meetings.

Board staff renewed licenses for Captains McIsaac, MacLachlan, Ridens, Coppo, Robinson, Teague, Rocci, and Carlson since the November Board meeting.

C) Report on surcharges received by the Board

Executive Director Garfinkle gave the following report:

For the month of November, the Board staff received \$156,874.09, broken down as follows:

Board Operations Surcharge: \$49,296.09

Continuing Education Surcharge: \$75,810.00

Trainee Training Surcharge: \$31,768.00

D) Report on legislative activities and contractual matters.

Executive Director Garfinkle reported that there has been no new legislation affecting the Board since the last meeting.

On matters of contracts, Executive Director Garfinkle reported the following:

California Highway Patrol (CHP) closed the bidding period on the Surcharge Audit Invitation For Bid (IFB) and the contract has been awarded to the Oakland firm of Michael R. Blanks, CPA. Once the contract has been signed by all parties, meetings with the firm will be scheduled to review the scope of work.

CHP has been working with Board staff and Port Revel to amend the Port Revel contract to incorporate a name change based on the holding company of Port Revel, in order to expedite payment for services already rendered. A contract amendment has been signed by all parties and it is with the Department of General Services (DGS) for review.

Board staff is working with CHP to initiate an interagency agreement with UCSF Medical Center for the market analysis of the fitness regulations. A contact person at UCSF has been identified and the contact information has been provided to CHP. A meeting will be held next week to add specificity to the scope of work in this contract.

An interagency agreement with California Maritime Academy was circulated but contained some errors and is being re-circulated with corrections.

Staff continues to work with CHP on contracting for exam professionals, psychometricians, retired pilot Dave Gates, and California Maritime Academy (CMA) for the Trainee Applicant Exam.

6. Port Agent's Report – Capt. Peter McIsaac

A) Monthly report on SFBP ship piloting activity.

Port Agent McIsaac reported the following:

Pilot Vessel GOLDEN GATE was out of service for a half day on November 22, 2012 after striking some flotsam. Both propellers were changed out and repaired.

Billed vessel moves in November 2012 compared to a three year average were as follows:

Bar Crossings totaled 518 (down 2.9%)

Bay Moves totaled 113 (down 2.8%)

River Moves totaled 34 (up 34.6%)

There were 665 total moves (down 1.5%)

GRT (gross registered tonnage) totaled 25,185,838.00 (up 2.9%)

B) Monthly report on pilot availability and absences.

Captain McIsaac reported that the SFBP continually monitors the dispatch list for possible minimum rest period (MRP) exceptions. If the potential exception is likely to result in a rest period of less than 10 hours, mitigating measures are employed. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensation time requests, suspending internal working rules, or calling in off-watch pilots.

There were eight MRP exceptions during the month of November. SFBP currently has 57 licensed pilots, which is three pilots short of the 60 authorized. The exceptions are as follows:

On Nov. 6, 2012 there was one exception of 9.9 hours, when a pilot was called in on short notice for a Monterey assignment.

On Nov 8, 2012 there was one exception of 10.7 hours. There were 23 assignments, three pilots were absent for medical reasons (AFMR), one pilot was in Monterey, and one pilot was riding for recency.

On Nov. 14, 2012, there were four exceptions ranging from 9.1 to 10.8 hours. There were 20 assignments, four pilots were AFMR, and two pilots were pulled for pilot business.

On Nov. 25, 2012, there was one exception of 10.7 hours when a river pilot was called in early.

On Nov. 27, 2012, there was one exception of 11.7 hours. There were 27 pilot assignments, three pilots were AFMR, one pilot was on compensatory time off, one pilot was riding for recency, and two pilots were pulled for pilot business.

Four pilots were absent for medical reasons as follows:

Captain Chris Anderson has been AFMR since July 30, 2012. He was placed on medical disability leave effective Sept. 13, 2012.

Captain Hugo Kenyon has been AFMR since Aug. 29, 2012. He was placed on medical disability leave effective Oct. 3, 2012.

Captain Erick Fawcett has been AFMR since Sept. 29, 2012. He was placed on medical disability leave effective Nov. 1, 2012.

Captain Tim Holl has been AFMR since Oct. 11, 2012. He was placed on medical disability leave effective Oct. 30, 2012.

C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board.

The Board reviewed the confidential written report. After all Board members had had the opportunity to review the report, President Miller asked whether any member wished to go into closed session to discuss the report. There were no requests.

7. Pilot Evaluation Committee – Capt. Einar Nyborg

A) Report on December 12, 2012 Committee meeting

Captain Nyborg delivered his report as follows:

The Pilot Evaluation Committee (PEC) met on December 12, 2012. In closed session, all four trainees were interviewed individually. The current trainees include Captains Carr, Johnson, Lingo and Favro and their time in the program ranges from 15 to 24 months. All four trainees are progressing well at this time.

Next month's meeting is scheduled for Jan. 16, 2013.

B) Possible recommendation for a determination that a trainee has or trainees have completed the pilot trainee training program; Possible Board action.

Captain Nyborg spoke on behalf of the Pilot Evaluation Committee (PEC), and stated that he was pleased to present to the Board two recommendations for Certificates of Completion of the Pilot Trainee Training Program.

The first was the PEC recommendation for issuance of a Certificate of Completion of the Pilot Trainee Training Program to Captain Eric Johnson.

Captain Nyborg stated that the PEC met on Dec. 12, 2012, at which time it completed a final assessment and determined that Trainee Johnson has successfully completed all elements of Section 214(c) and (h) of the training requirements in the Board's regulation. Captain Nyborg, having been authorized by the PEC to present this recommendation to the Board today, stated the following:

I would like to introduce to you Captain Eric Johnson. Accompanying Capt. Johnson today is his wife of 13 years, Dr. Shawn Rodgers and daughter Lauren. Eric, born in 1966, grew up in Tacoma, Washington. He graduated from California Maritime Academy (CMA) in 1989. Eric spent the bulk of his career with Matson Navigation Company, Inc., sailing as master for thirteen years. Currently, Eric resides in Edmonds, Washington.

Trainee Performance under Title 7, 214(c) and (h):

Captain Johnson entered the Training Program on January 1, 2011. To date, Captain Johnson has a total of 732 training jobs with the San Francisco Bar Pilots. 191 of these jobs were as observer, 541 of these jobs were handled or partially handled, directing the navigation and control of the vessel under the direct supervision of a San Francisco Bar Pilot.

Captain Johnson has worked extensively with the PEC, acquiring 147 PEC rides, 28 of which were in the last 90 days. As required by regulation, Eric maintained an average score over 4.0 in each of the last three months with PEC members, resulting in a three-month average score of 4.10.

The Committee used detailed trip reports and personal observation to ensure Captain Johnson demonstrated a working knowledge of the fundamentals of ship handling in each of the categories listed in subsection 214(c) and (h) of Title 7 of the Code of California Regulations, and has demonstrated the skills and knowledge necessary to become a Board licensed pilot.

It is the decision of the Pilot Evaluation Committee that Captain Johnson has successfully completed the Pilot Trainee Training Program. On behalf of the Pilot Evaluation Committee, it is my great pleasure to recommend that the Board issue to Captain Eric Johnson, a Certificate of Completion of the Board's Pilot Trainee Training Program effective today, December 13, 2012.

At the conclusion of Captain Nyborg's report, and upon receiving the PEC recommendation, President Miller inquired of Executive Director Garfinkle whether he had verified that Trainee Johnson had met the requirements for being issued a Certificate of Completion.

Executive Director Garfinkle responded that he had verified that Trainee Johnson had completed all requirements specified in Board Regulation 214, that he had been in the training program more than one year but not more than three years, as required by Harbors and Navigation Code section 1171.5(c) and that he had maintained average scores from PEC members on trips handled of 4.0 or better—on a scale of 5.0—during each of the last three months. Executive Director Garfinkle stated that it was his recommendation that the Board grant a Certificate of Completion of the Trainee Program to Trainee Johnson.

Commissioner Wainwright moved that the Board grant a Certificate of Completion to Trainee Johnson. Vice President Johnston seconded the motion. President Miller called for discussion. There was none. President Miller called for the yeas and nays. The motions carried on a roll call vote: six yeas and zero nays.

Executive Director Garfinkle congratulated Captain Johnson and presented him with an official Certificate of Completion.

Captain Nyborg next introduced Captain Orrin Favro, and proceeded to detail the Pilot Evaluation Committee's recommendation that Captain Favro be issued a Certificate of Completion of the Board training program.

Captain Nyborg reported to the Board that at the December 12, 2012 meeting, the Committee completed a final assessment of whether Trainee Favro had successfully completed all elements specified in section 214(h) in the Board regulations. The Committee unanimously agreed that he has, and has authorized recommending Captain Favro for a Certificate of Completion.

Captain Nyborg stated the following:

I would like to introduce to you Captain Orrin Favro. Also in attendance today is his wife Stephanie and son Juneau. Orrin, born in 1981 in California, grew up in Alaska. Upon graduation from CMA in 2005 Orrin worked his way up to Master with BayDelta Maritime, Inc. Eric spent five years as a tug captain, based in San Francisco, before he began training as a pilot.

Trainee Performance under Title 7, 214(c) and (h):

Captain Favro entered the training program on October 1, 2011. To date, Capt. Favro has a total of 463 training jobs with the San Francisco Bar Pilots. 132 jobs were as observer, 331 jobs were handled or partially handled, directing the navigation and control of the vessel under the direct supervision of a San Francisco Bar Pilot.

Captain Favro has worked extensively with the PEC, acquiring 73 PEC rides, 21 of which were in the last 90 days. As required by regulation, Orrin maintained an average score

over 4.0 in each of the last three months with PEC members, resulting in a three-month average score of 4.23.

The Committee used detailed trip reports and personal observation to ensure Captain Favro demonstrated a working knowledge of the fundamentals of ship handling in each of the categories listed in section 214(c) and (h) of Title 7, Code of California Regulations, and has demonstrated the skills and knowledge necessary to become a Board licensed pilot. It is the decision of the Pilot Evaluation Committee that Captain Favro has successfully completed the Pilot Trainee Training Program.

On behalf of the Pilot Evaluation Committee, it is my great pleasure to recommend that the Board issue to Captain Orrin Favro, a Certificate of Completion of the Board's Pilot Trainee Training Program effective today, Dec 13, 2012.

At the conclusion of Captain Nyborg's report and upon receiving the PEC recommendation, President Miller inquired of Executive Director Garfinkle whether he had verified that Trainee Favro had met the requirements for being issued a Certificate of Completion.

Executive Director Garfinkle responded that he had verified that Trainee Favro had completed all requirements specified in Board Regulation 214, that he had been in the training program more than one year but not more than three years, as required by Harbors and Navigation Code section 1171.5(c) and that he had maintained average scores from PEC members on trips handled of 4.0 or better—on a scale of 5.0—during each of the last three months. Executive Director Garfinkle stated that it was his recommendation that the Board grant a Certificate of Completion of the Trainee Program to Trainee Favro.

Commissioner Roberts moved that the Board grant a Certificate of Completion to Trainee Favro. Vice President Johnston seconded the motion. President Miller called for discussion. There was none. President Miller called for the yeas and nays. The motions carried on a roll call vote: six yeas and zero nays.

Executive Director Garfinkle congratulated Captain Favro and presented him with an official Certificate of Completion.

C) Possible Executive Director recommendation for the appointment of a new pilot or pilots; Possible Board action.

President Miller inquired of Executive Director Garfinkle whether he had received an application for licensing from Captain Johnson. The Executive Director stated that he had, that there currently are vacancies with respect to the number of authorized licenses, that Captain Johnson had completed the Board's trainee training program, that the Board had received a fit for duty determination for Captain Johnson from a Board designated physician, that Captain Johnson held a United States Coast Guard master's license for vessels of 1600 tons or larger, with radar observer's endorsement, and that Captain Johnson held United States Coast Guard endorsements for all pilotage grounds in San Francisco Bay and its tributaries.

The Executive Director stated that in his opinion Captain Johnson was eligible to be licensed as a San Francisco Bar Pilot.

Commissioner Wainwright moved that the Board issue a license to Captain Eric Johnson. Vice President Johnston seconded the motion. President Miller called for discussion. There was none. President Miller called for a vote. Again, the results on a roll call vote were six yeas and zero nays—the Board voted unanimously to issue a license to Captain Eric Johnson.

President Miller offered congratulations to Captain Johnson on behalf of the Board.

President Miller inquired of Executive Director Garfinkle whether he had received an application for licensing from Captain Favro. The Executive Director stated that he had, that there currently are vacancies with respect to the number of authorized licenses, that Captain Favro had completed the Board's trainee training program, that the Board had received a fit for duty determination for Captain Favro from a Board designated physician, that Captain Favro held a United States Coast Guard master's license for vessels of 1600 tons or larger, with radar observer's endorsement, and that Captain Favro held United States Coast Guard endorsements for all pilotage grounds in San Francisco Bay and its tributaries.

The Executive Director stated that in his opinion Captain Favro was eligible to be licensed as a San Francisco Bar Pilot.

Commissioner Roberts moved that the Board grant an initial license as a San Francisco Bar Pilot to Capt. Favro. Commissioner Johnston seconded the motion. President Miller called for discussion. There was none. President Miller called for the yeas and nays. The motion carried on a roll call vote: six yeas and zero nays.

President Miller offered congratulations to Captain Favro on behalf of the Board.

The Board offered its congratulations to Captains Johnson and Favro—newly licensed as San Francisco Bar Pilots—and to their families, who were present in the audience.

President Miller then administered the oath of office to Captain Johnson and to Captain Favro.

The Board stood in recess at 10:15 a.m. and returned in open session at 10:36 a.m. President Miller noted that by inspection all Commissioners had returned and that a quorum was present.

8. Reported Safety Standard Violations and Investigations – Executive Director Garfinkle

No reported safety standard violations since the last meeting. (Reports received between the issuance of this notice and the meeting will be reported on.)

Executive Director Garfinkle stated that no reports had been received.

9. Reportable Piloting Events – Executive Director Garfinkle

Executive Director Garfinkle reported on two incidents under section 210(b)(3) of the Board's regulations where the Incident Review Committee (IRC) determined that there was clearly no pilot error. PMSA Vice President Mike Jacob inquired as to whether the Board is required to take action on such determinations. Board Counsel, Dennis Eagan, stated that the Board is not required to take action where the IRC acts under Section 210(b)(3).

The incidents were:

- A) Report of vessel interaction between the bulk carrier M/V DELTA PRIDE and the tanker M/T OVERSEAS ALCEMAR at the Avon Berth (MRZ 8) on October 26, 2012.
- B) Report of fender damage upon the departure of the M/V SOLAR WING from Richmond, Berth 7/8 on November 30, 2012.

10. Rules and Regulations Committee – Commissioner Wainwright

Commissioner Wainwright mentioned that the Committee was still in the process of preparing the regulatory package on Pilot Fitness for submission to the Office of Administrative Law and would review it when it was ready. There is no date set for the next meeting at this time. Commissioner Roberts requested Board Counsel Eagan review the letter from the San Francisco Bar pilots regarding the draft pilot fitness regulations. Mr. Eagan responded that he did not want to abrogate the Committee's authority and the letter should be considered by the Committee.

11. Finance Committee – Commissioner Cronin.

Review of the number of licensed bar pilots anticipated on January 1, 2013 and recommendation for possible adjustment to pilotage rates for the calendar quarter beginning on that date as specified in Harbors and Navigation Code section 1190(a)(1).

Executive Director Garfinkle reported that Captain Anderson had surrendered his license to Board staff following the granting to him of a disability pension, thereby reducing the number of outstanding licenses to 56. The licensing this day of Captains Johnson and Favro increased the number of outstanding licenses to 58. Accordingly, no adjustment to pilotage rates to be effective on January 1, 2013 is required. The Board took no action with respect to pilotage rates effective on January 1, 2013.

Executive Director Garfinkle reported that he had not yet received a response from the Department of Finance on the request to lower the operations surcharge from 1.5% to 1%.

Commissioner Cronin stated that the Finance Committee will meet again during the first quarter of 2013—a specific date has not, as yet, been chosen.

12. Pilot Fitness Committee – Commissioner Roberts

There was no report.

13. Low Sulfur Fuel – Executive Director Garfinkle

The Executive Director reported that there were five losses and three low sulfur fuel issues since the last meeting. He asked if there were any questions—there were none.

14. Ad Hoc Working Group on Trainee Recruitment – Commissioner Wainwright

A) Report on Ad Hoc Working Group activities since last meeting.

In the absence of the Ad Hoc Working Group chairman, Mrs. Barbara Price, Commissioner Wainwright reported that the Ad Hoc Committee was scheduled to meet next on December 19, 2012 at 9:30 a.m. At that meeting, it is expected that the Committee will give final approval to proposed changes to Board regulations and prepare a recommendation to the Board.

B) Discussion of Proposed changes to Board Regulations as recommended by the Ad Hoc Working Group on Trainee Recruitment. Possible Board action to accept Committee recommendation.

There was no recommendation at this time.

Commissioner Roberts also reported that he had spoken telephonically with former Commissioner Ben Tate who had initially chaired the Ad Hoc Working Group. Mr. Tate was pleased with the progress made and sent his greetings to the Board.

15. Continuing Education Committee – Commissioner Roberts

There was no report

16. Pilot Power Committee – Commissioner Roberts

There was no report.

17. Ad Hoc Committee on Blue Card Rates – Vice President Johnston

Vice President Johnson reported that the Committee met on November 28, 2012 and discussed defining “anchoring after departure”, the method of determining length of vessel charge computations, and the carrying away of a pilot (a situation where a pilot cannot

disembark due to rough seas or the configuration of the vessel.) The Committee members also considered a proposal to do an audit of three years of invoices and determined it to be too costly for the benefit derived and the Committee decided to take no further action on the audit.

18. Report of the Attorney General's Office – Board Counsel Eagan

Report on current litigation: Pacific Merchant Shipping Association vs. BOPC and Bruce Horton as Port Agent, Writ of Mandate. **The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code Section 11126(e)(i) of the Bagley-Keene Open Meeting Act.**

Board Counsel Eagan reported that we are still waiting on further word from the Court of Appeal and there was nothing new to report.

At the conclusion of Board Counsel Eagan's report, President Miller inquired whether any Board member wished to go into closed session to discuss matters subject to the attorney-client privilege. There were no requests.

19. Report on and Discussion of Board staff response to NTSB Safety Recommendation M-11-19: "Ensure that local pilot oversight organizations effectively monitor and, through their rules and regulations, oversee the practices of their pilots to promote and ensure the highest level of safety." – Executive Director Garfinkle

Executive Director Garfinkle reported that due to the press of other business, staff had not yet completed a draft response to the NTSB. He hopes to have it available for Board review at the January meeting

20. Review of findings and sanctions approved by the Board in the incident review of the M/V OVERSEAS TAMPA. The Board will go into closed session for the review and approval of findings in the incident involving the M/V OVERSEAS TAMPA, pursuant to Harbors and Navigation Code section 1180.6(a) and Government Code section 11126(c)(3).

President Miller reported that the members of the Board who had met earlier in the meeting in closed session had considered and agreed to draft findings and a draft warning letter of reprimand prepared by Board Counsel. President Miller requested Mr. Eagan to report the findings and publish the warning letter of reprimand.

Board Counsel Eagan stated that he would formalize the Statement of Findings and Letter of Warning and distribute to both to Capt. Chapman, his counsel, and the San Francisco Bar Pilots.

21. IRC Incident Report on Reported Vessel Interaction Between the Bulk Carrier M/V DELTA PRIDE and the Tanker M/V OVERSEAS ALCESMAR at the Avon Berth (MRZ 8) on October 26, 2012 – Vice President Johnston and Executive Director Garfinkle.

Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions if appropriate. The Board may go into closed session for the deliberation of the pilot incident report presented under item 19 above pursuant to Harbors and Navigation Code section 1180.6(a) and Government Code section 11126(c)(3).

On October 26, 2012, the M/V DELTA PRIDE was heading up bound past Avon on the tail end of the ebb tide with San Francisco Bar Pilot Paul Ruff conning. As the ship passed Avon Capt. Ruff thought he heard a sound which he interpreted to be a line parting. Capt. Ruff reported a possible vessel interaction to the Port Agent immediately.

An investigation was commenced by the Incident Review Committee and during the course of the investigation, which included a pilot interview, an interview with the agent for the M/V OVERSEAS ALCESMAR, it was determined that the only report of the event was from the pilot himself, that a line from the M/V OVERSEAS ALCESMAR did part, but was replaced by the ship's crew promptly (the condition of the line was not known), and that the master of the OVERSEAS ALCESMAR did not have any intention of filing a Notice of Protest.

Based on the evidence gathered during the investigation, that the only report of the event was from the pilot himself coupled with the apparent minimal damage, the Incident Review Committee determined that there was no evidence to conclude that there was pilot error and the Committee discontinued the investigation.

22. Public Comment on Matters not on the Agenda

There were none.

23. Proposals to next month's agenda.

President Miller asked that the next Board agenda include an item concerning possible modification to the Board's committee structure.

24. Adjournment

There being no further business to come before the Board, the meeting adjourned at 11:05 a.m.

Respectfully submitted,



Allen Garfinkle, Executive Director