

<p style="text-align: center;"><b>Minutes</b></p> <p style="text-align: center;"><b>Open Session</b></p>	<p style="text-align: center;"><b>Monthly Board Meeting</b></p>	<p style="text-align: center;"><b>Date:</b></p> <p style="text-align: center;">July 25, 2013</p>
<p><b>Location:</b> Board Offices at 660 Davis Street, San Francisco, CA 94111</p>	<p style="text-align: center;"><b>Page 1 of 9</b></p>	

**Board members present**

RADM. Frank Johnston, President  
 Mr. Dave Connolly, Vice President  
 Mr. John Schneider, Commissioner  
 Capt. Steve Roberts, Commissioner  
 Ben DeAlba, Ex Officio Member designee of the Secretary of the California State Transportation Agency

**Staff present**

Allen Garfinkle, Executive Director  
 Dennis Eagan, Board Counsel  
 Kelly Dolcini, Staff Services Analyst  
 Sigrid Hjelle, Office Technician

**Others present**

Capt. John Carlier, Acting Port Agent

**Public present**

Past President Knute Michael Miller, Capt. Jeff Cowan from the Office of Spill Prevention and Response (OSPR), San Francisco Bar Pilots (SFBP) Business Director John Cinderey were among the public present.

**1. Call to order and roll call**

The meeting was chaired by President Johnston, who called the meeting to order at 9:30 a.m. Staff Services Analyst Kelly Dolcini called roll and found a quorum had been established

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**2. Approval of minutes of the May 23, 2013 Board meeting**

Board members were presented with the minutes of the June 27, 2013 and July 1, 2013 meetings for approval.

**MOTION:** Commissioner Roberts moved to approve the minutes from the June 27, 2013 Board meeting with leave for staff to make non-substantive clerical changes. John Schnieder seconded the motion.

**ACTION:** The motion passed unanimously.

**MOTION:** Commissioner Roberts moved to approve the minutes from the July 1, 2013 Board meeting with leave for staff to make non-substantive clerical changes. John Schnieder seconded the motion.

**ACTION:** The motion passed unanimously.

**3. Announcements**

President Johnston announced that Gabor Morocz had departed from the California State Transportation Agency (CalSTA). Ben De Alba would now represent CalSTA at Board meetings.

**4. Board member activities**

President Johnston announced that he had attended several meetings since the last Board meeting:

- The Northern California Area Maritime Security Committee on July 16, 2013
- The Port of San Francisco Maritime Commerce Advisory Committee on July 18, 2013
- The American Bureau of Shipping Board and Client reception on July 23, 2013

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**5. Executive Director’s report**

**Correspondence and activities since the last meeting:**

Mr. Garfinkle reported that on July 9, 2013 Board staff received a Notice of Non-Registration from the City of San Francisco informing them of an investigation that revealed the Board was conducting business in San Francisco without a Business Registration Certificate. After conducting an investigation of its own, Board staff determined that government offices are exempt from such registration. A letter was sent to the city and no response had been received at the time of the Board meeting.

He also reported he attended the July 11, 2013 meeting of the Harbor Safety Committee in Richmond, CA. The USCG provided the community with a Marine Safety and Security Information Bulletin (MSIB) 13-05 detailing the enforcement of the 34<sup>th</sup> America’s Cup Regulated Area on the San Francisco Bay. Also at that meeting, Pacific Merchant Shipping Association (PMSA) unveiled its whale spotting poster designed for distribution to member vessels and the wider community.

On July 18, 2013, Mr. Garfinkle attended a directors meeting at the new offices of the California State Transportation Agency, located at 915 Capitol Mall in Sacramento. There was a presentation by the Department of Finance and all directors were provided with a publication titled “Executive Responsibilities and Fiscal Controls.”

Mr. Garfinkle expressed his sincere appreciation for the assistance of Gabor Morocz and Amanda Esquivias, as well as everyone else whose work made the new fitness regulations a reality. They will be published on Friday, July 26, 2013, after which there will be a 45 day public comment period.

On July 23, 2013 Mr Garfinkle had a conference with Dr. Norman Hertz of Progeny Systems, Incorporated, who was the winning bidder for the psychometrician contract, and discussed the next steps in exam preparation.

Mr. Garfinkle also reported that Capt. Guy Kleess, in fulfillment of the settlement agreement reached as a result of the M/V OVERSEAS REYMAR incident, has completed the following courses:

- An American Pilots Association approved Bridge Resource Management course for pilots offered at the Maritime Institute of Technology and Graduate Studies;
- A Three-day radar review course offered by California Maritime Academy.

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Items remaining to be completed by Capt. Kleess prior to returning to piloting include:

- An additional bridge resource management course that includes emergency shiphandling;
- Additional training in the use of personal piloting units;
- 30 observer trips that include passage under the San Francisco-Oakland Bay Bridge.

**Board licensing:**

Between the May and June Board meetings staff renewed the licenses for Captains Fawcett, Cloes, Manes, Haggerty, Long, Nyborg, and Slack. Since the June Board meeting staff renewed licenses for Captains Alden, Miller, and Wainwright.

**Board Surcharges:**

The Board received a check for \$132,238.43 for surcharges collected by the SFBP, which were broken down as follows:

Board Operations Surcharge: \$32,128.43

Continuing Education Surcharge: \$70,770.00

Trainee Training Surcharge: \$29,340.00

**Legislative matters:**

There was no legislative activity affecting the Board since the last meeting.

**Contractual matters:**

Mr. Garfinkle asked Staff Services Analyst Kelly Dolcini to address the Board and give a report on the state of BOPC contracts. She described the contracts that Board staff have recently completed and are currently working on and announced that there had been a last minute request for changes to Capt. Gates' non-competitive bid request and that new language had been submitted.

Staff will soon begin working with the Continuing Education Committee on a request for proposals from manned model training facilities, as the current contract enabling use of the Port Revel facilities expires on June 30, 2014.

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**6. Port Agent's report**

Capt. Carlier gave the report on Capt McIsaac's behalf. He informed the Board that there are currently five pilots absent for medical reasons (AFMR).

He described the 25 minimum rest period (MRP) exceptions since the May meeting, primarily due to the combination of a large number of pilots who were AFMR and others who were attending the manned model training.

Capt. Carlier presented a report on billed vessel moves during the month of June. There were 568 bar crossings, down 1.6% compared to a three year average. There were 105 Bay moves, up 1.5% when compared to a three year average. River moves were up 5% at 39, with total moves at 712, down 0.8% when compared to a three year average. During the month of June, the SFBP moved 29,688,200 tons.

The Pilot Vessel California has been out of service while undergoing an annual dry-docking, which is expected to be complete by July 31, 2013.

**7. Pilot Evaluation Committee**

Capt. Carlier presented the Pilot Evaluation Committee (PEC) report for Capt. Nyborg. The Committee met on July 17, 2013. In closed session, all trainees were interviewed individually. There are currently two trainees in the pilot trainee training program, both of whom are progressing well.

**8. Reported safety standard violations**

Mr. Garfinkle reported that there had been one safety standard violation since the last Board meeting.

On July 8, 2013, Captain David Weiss was boarding the M/V CAP ROMUALD when the first rung of the pilot ladder gave way beneath him. A Board investigation was conducted and the United States Coast Guard (USCG) Office of Port State Control was notified. Mr. Garfinkle followed up on an earlier pilot ladder deficiency on the M/V YM SHANGHAI. The USCG Office of Port State Control provided Board staff with documentation demonstrating that a classification society had inspected the vessel and they provided certification for two new pilot ladders which had been installed.

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**9. Reportable piloting events**

- A. On the matter of the M/V NYK LYNX, Mr Garfinkle reported that it appears that the M/V BEAR MOUNTAIN BRIDGE was not involved but that the incident is still under investigation and he requested an extension to the August meeting

**MOTION:** Commissioner Long moved to grant an extension to the investigation into the interaction of the M/V NYK LYNX with one or both the M/V APL TOKYO and/or the M/V BEAR MOUNTAIN BRIDGE. Commissioner Schneider seconded the motion.

**ACTION:** The motion passed unanimously on a voice vote.

- B. On the matter of the M/V CLAXTON BAY, Mr. Garfinkle reported that the incident remains under investigation. He requested an extension to the August Board meeting.

**MOTION:** Commissioner Long moved to grant an extension to the investigation into the M/V CLAXTON BAY. Commissioner Schneider seconded the motion.

**ACTION:** The motion passed unanimously on a voice vote.

**10. Pilot Fitness Committee**

Pilot Fitness Committee Chairman Mike Miller reported that the Committee had not met since the June Board meeting but would next meet on August 2, 2013. Committee members are reviewing professional literature on fatigue issues generally and also with respect to maritime workers and pilots in particular. The Committee is beginning to focus on development of regulations addressing working hours for the Board's licensees.

Chairman Miller, in response to a question from President Johnston, stated that there was presently no meeting of the Ad Hoc Committee on Blue Card rates, however, he would like to resume consideration of the remaining issues sometime after Labor Day when all Committee members have returned from vacation, mandatory training, or other travel.

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**11. Pilot Power Committee**

Commissioner Long reported that the Pilot Power Committee had met on July 23, 2013 to discuss the Harbors and Navigation Code section 237(d) data and the results of the most recent retirement survey.

The Committee looked at the recent spate of MRP exceptions, and was able to attribute them to training, NFFD pilots, and an increase in traffic. The exceptions were short in duration and few in number. The Committee determined that no change to the number of authorized pilots was necessary at this time.

Commissioner Long described the results of the most recent retirement survey, which indicated that no pilots intend to retire until 2016. There are enough trainees in the program to bring the number of pilots to the maximum authorized number of 60. In light of the survey results and the trainees currently in the program, the Committee recommended that no new trainees should be added to the roster at this time.

**MOTION:** Commissioner Roberts moved that the Board accept the Pilot Power Committee’s recommendation that no trainees be added to the roster and no change to the number of authorized pilots at this time. Commissioner Schneider seconded the motion.

**ACTION:** The motion passed unanimously on a voice vote.

**12. Low Sulfur Fuel Report**

Executive Director Garfinkle reported on low sulfur fuel issues in the month of June, with numbers kindly provided by Capt. Jeff Cowan of OSPR. During the month of June, there was one loss of propulsion incident determined to be related to fuel switching and an addition incident suspected to be related to fuel switching. Capt. Cowen was invited to offer insight to the low sulfur fuel issues, which he did.

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**13. Report of the Attorney General’s Office**

Board Counsel Dennis Eagan reported that oral argument in the pending Court of Appeal hearing on Pacific Merchant Shipping Association v. BOPC and Capt. Peter McIsaac as Port Agent, Writ of Mandate occurred on June 19, 2013. The matter has been submitted and the court has 90 days to make a decision.

**14. IRC report on the interaction between the M/V NYK LYNX and either or both the M/V APL TOKYO and the M/V BEAR MOUNTAIN BRIDGE on April 23, 2013.**

Reporting on this incident extended to the August Board meeting. Please refer to agenda item 9 of these minutes for more information on the investigation into the M/V NYK LYNX incident.

**15. IRC report on the possible grounding of the M/V CLAXTON BAY while departing Berth 7/8 in Stockton on May 10, 2013.**

Reporting on this incident extended to the August Board meeting. Please refer to agenda item 9 of these minutes for more information on the investigation into the M/V CLAXTON BAY incident.

**16. Public comment on matters not on the agenda**

There were no comments.

**17. Proposals for next month’s agenda**

There were no proposals for next month’s agenda.

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**18. Adjournment**

The meeting adjourned at 10:12 a.m.

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Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini