

<p>Meeting Date: November 19, 2015</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 1 of 16</p>
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Board Members Present

RADM. Francis Johnston, President, Public Member
 Dave Connolly, Vice President, Public Member
 Captain George H. Livingstone, Pilot Member
 Captain Joe Long, Pilot Member
 Jennifer Ferrera Schmid, Public Member
 Benjamin De Alba, Assistant Secretary for Rail and Ports,
 representing the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

John Schneider, Wet Cargo Industry Member
 Vacant, Dry Cargo Industry Member

Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Kelly Dolcini, Staff Services Analyst
 Sigrid Hjelle, Office Technician

Public Present

Port Agent Pete McIsaac; Pacific Merchant Shipping Association (PMSA) Vice President Mike Jacob; San Francisco Bar Pilots (SFBP) Business Manager-General Counsel Ray Paetzold; SFBP Captain Einar Nyborg; Knute Michael Miller; Rex Clack, Esq.; and Richard Hernandez, State Lands Commission.

OPEN MEETING:

1. Call to Order and Roll Call – President Johnston

President Johnston called the meeting to order at 9:30 a.m. Staff Services Analyst Dolcini called the roll and confirmed a quorum.

2. Review and approval of Board meeting minutes – President Johnston

Board action to approve Board meeting minutes from the meeting held on October 22, 2015.

Board members were presented with the minutes of the meeting held on October 22, 2015, for approval. There was no discussion and no public comment.

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MOTION: Commissioner Long moved to approve the minutes of the meeting held on October 22, 2015. Commissioner Livingstone seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

3. Announcements – President Johnston

Announcement of events affecting Board business since the last Board meeting.

There were no announcements.

4. Board Member Activities – Board Members

Reports by Board members having Board business related activities since the last monthly Board meeting or planned prospectively.

Commissioner Livingstone reported that he had addressed a group of Women in Oil and Gas industry, as well as cadets at the Texas Maritime Academy about career paths and the career of a pilot.

5. Executive Directors’ Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

A) Correspondence and activities since the September 24, 2015, Board meeting.

Executive Director Garfinkle reported on correspondence received by the Board since the October Board meeting as follows:

- On October 31, 2015, he received notifications from Captains MacLachlan, Gregg, and Wainwright of their intent to retire on December 31, 2015, bringing the total retirements at the end of this year to four.
- On October 30, 2015, he received a letter from PMSA Vice President Mike Jacob that offered extended comments concerning the request for reinstatement by trainee Captain Rubino. The letter reiterated and expanded upon Mr. Jacob’s comments delivered at the October Board meeting, and also included a public records request for copies of any written analysis of the application of Harbors and Navigation Code §1171.5 provided to Board members as it applied to the reinstatement of Captain Rubino to the Pilot Trainee Training Program, and if none is available, the letter included a request for a statement to that effect.

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- On October 30, 2015, Board staff received an email from Pilot Evaluation Committee Chairman Captain Nyborg that included a photo of the tug LYNN MARIE engaged in tanker escort maneuvers and a short explanation of the maneuver.
- On November 4, 2015, he responded to the public records request contained in PMSA Vice President Mike Jacob’s letter on October 30, 2015. The response explained that no written legal analysis was provided to Board members and that the only legal analysis provided was done so orally in an open session of the Board. The response further stated that prior to the October Board meeting, Board Counsel provided Board staff with written legal analysis at staff’s request. That analysis is subject to attorney-client privilege and is exempt from disclosure under the California Public Records Act.
- On November 7, 2015, Board staff was notified that the Court of Appeal dismissed the Board’s appeal in PMSA vs. Board of Pilot Commissioners.
- On November 9, 2015, he attended a Director’s meeting at the California Transportation Agency in Sacramento.
- On November 12, 2015, he attended a meeting of the San Francisco Bay Harbor Safety Committee. At the Harbor Safety Committee meeting, United States Coast Guard personnel distributed a flyer requesting participation in a Waterways Analysis and Management Survey of San Francisco Bay (from the GG Bridge to the Richmond-San Rafael Bridge) and Oakland Inner and Outer harbors.
- On November 16, 2015, Board staff received a copy of an article excerpted from Pacific Maritime magazine, November 2015 issue, titled, “eNav: Is Technology Outpacing Implementation?” and authored by Jorge Viso, wherein he discusses the idea that technology has outpaced onboard operations, and that pilots need to consider the possibility that relying on electronic navigation may compound risks.

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

Between the September and October meeting, staff renewed Captain Dowdle’s license. Since the October Board meeting, staff has renewed the license of Captain Kleess.

C) Report on Board surcharges.

Executive Director Garfinkle reported the Board received a check from the SFBP for \$91,192.46 for the October 2015 surcharge revenues as follows:

- Board Operations Surcharge: \$36,082.46
- Pilot Continuing Education Surcharge: \$ 3,630.00
- Trainee Training Surcharge: \$51,480.00

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D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant reported there was no legislative report, and reported the following on Board contracts activity since the last Board meeting:

- The State Controller’s Office (SCO) has reduced its not-to-exceed surcharge and pilotage audit fee for two years of audits to \$30,000, and the SCO is proposing to conduct the 2014 and 2015 audits this spring with a report due before the end of the fiscal year. The not-to-exceed estimate for the 2016 audit is \$22,000. SCO is preparing an interagency agreement.
- Staff submitted the manned model request for proposal point-scoring criteria and model contract provisions that will be included in the request for proposal document to California Highway Patrol (CHP) contract staff.
- As mentioned at prior Board meetings, Board staff provided staff at the California Department of Human Resources (CalHR) with a prior pilot job analysis and final reports from prior Pilot Trainee Training Program entrance examinations, and additional information about prior examinations. CalHR staff indicated to BOPC staff that they have the capacity to conduct an updated job analysis, and to assist the Board with the next trainee examination, which is tentatively scheduled for the summer of 2017. Board and CalHR staff still need to decide on the project timeline and cost and enter into an interagency agreement.
- Since the last Board meeting, Dr. Hobbs of San Jose State University (SJSU) Research Foundation provided information on SJSU’s Internal Review Board. The IRB is a committee responsible for reviewing research proposals submitted by SJSU students, faculty, and staff that involve the use of human subjects. IRB members ensure that the proposed research is in compliance with university policy and federal regulations established to ensure the safety of research participants and the ethical and responsible conduct of investigators.

President Johnston commented that he found the reference to nepotism in the October 30, 2015, letter received from PMSA objectionable. He stated that during his time on the Board, he was not aware of any nepotism.

Assistant Director Cristia-Plant confirmed for Commissioner Long that the California Maritime Academy (CMA) can host Pilot Trainee Training Program entrance examinations at times other than the summer break, and that CMA would need to have sufficient lead time to schedule examinations that are conducted other than summer or school holiday time.

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6. Port Agent’s Report – San Francisco Bar Pilot (SFBP) Port Agent Capt. Peter McIsaac

A) Monthly report on pilot availability and absences.

Port Agent McIsaac reported that four pilots—Captains Chapman, MacLachlan, Bridgman, Lemke, and Burger—have been absent this month, or a portion thereof, for medical reasons, and that during his medical leave, Captain Bridgman has been acting as operations pilot.

B) Monthly report on SFBP ship piloting business activity.

Port Agent McIsaac stated that the SFBP continually monitors the dispatch list for possible minimum rest period exceptions, and identified a variety of mitigating measures employed if circumstances are likely to result in a rest period of less than ten hours. He reported that the SFBP currently has 58 licensed pilots, that there were three minimum rest period exceptions in September. He responded to a query from Commissioner Schmid about the number of pilots out on medical leave, and confirmed that one pilot is scheduled to retire at the end of the year, Captain Bridgman is scheduled to return to work in two weeks, Captain Lemke is in the process of returning to work, and that Captain Burger is already back at work.

He also reported:

- P/V PITTSBURG was out of service from November 2-5, 2015, for planned maintenance.
- P/V GOLDEN GATE was out of service on October 23, 2015 for hull cleaning and new zincs, and was out of service again for three days beginning November 2, 2015, due to a main engine oil cooler failure.

Port Agent McIsaac reported the following vessel-move data when compared to a three-year average:

- Bar Crossings 537 moves/-10%
- Bay Moves 113 moves/+31%
- River Moves 32 moves/+23%
- Total Moves 682/-2%
- Gross Registered Tons (GRT): 28.7 million/-6.7% year to date (YTD)

He further reported that when comparing YTD piloting activity in 2015 to 2014, total moves were down 4%, and GRT was down 10.7%. He apprised the Board that the Port of Stockton lost some coal export business due to the commodity stock downturn.

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Port Agent McIsaac stated the SFBP had been running ultra-large container vessel (ULCV) drills at CMA with a model measuring 1303' in overall length with a beam of 178'. Commissioner Livingstone stated the new ULCVs are a two-class upgrade from the largest ships now being piloted, that the Port of Oakland is the only port on the west coast considering such large vessels, and that the SFBP is working diligently during simulations at CMA to determine appropriate safety measures that need to be deployed with such large vessels.

C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board. Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.

There was no discussion of the confidential written report of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

7. Pilot Evaluation Committee – Captain Einar Nyborg

Report on the Pilot Evaluation Committee meeting held on November 18, 2015.

Pilot Evaluation Committee (PEC) Chairman Captain Nyborg reported that there are eight trainees in the Pilot Trainee Training Program with five left on the eligibility list. He stated that, on average, trainees complete the program in about 18 months. He also stated that he is nearing the end of his eight years on the committee, and that during that time, he has trained over 30 pilots representing half of the current licensed pilots. He also thanked staff for work on the new Google trainee evaluation card data entry process.

He confirmed for Vice President Connolly that two of the trainees are in the evaluation stage and have an estimated three to five months more in the program, and that two more trainees are estimated to be about five months or so away from graduating.

8. Reported safety standard violations – 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.)

There were no safety standard violations since the last meeting.

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9. Reportable Piloting Events – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will be reported on.)

- A) Status report on the interaction between the M/V FUJI GALAXY and the M/V CS SARAFINA, on April 28, 2015, when the M/V FUJI GALAXY was underway into the Port of Stockton and the M/V CS SARAFINA, moored at Berth 10, Port of Stockton, suffered damage to her gangway. Possible Board action to grant an extension to present the M/V FUJI GALAXY Incident Review Committee incident report to the November Board meeting. If an extension is requested, the delay in presenting the report will be due to staff workload.**

The M/V FUJI GALAXY investigation was presented under agenda item 21.

- B) Status report on the allision of the M/V JIANGMEN TRADER with San Joaquin River lighted marker 47 on June 27, 2015. Possible Board action to grant an extension to present the M/V JIANGMEN TRADER Incident Review Committee incident report at the December Board meeting. If an extension is requested, the delay in presenting the report will be due to staff workload.**

Executive Director Garfinkle stated the Investigation Review Committee (IRC) investigation for the M/V JIANGMIN TRADER incident was not complete. He noted that the IRC was still seeking information concerning the nature and condition of the object the ship was alleged to have made contact with and requested an extension to the December 2015, Board meeting to present the report.

MOTION: Commissioner Long moved to grant an extension to the M/V JIANGMEN TRADER IRC investigation report to the December meeting. Vice President Connolly seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.
NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

10. Loss of Propulsion/low sulfur fuel report – Executive Director Garfinkle

Report on loss of propulsion events arising since last meeting, including those events suspected to be due to low sulfur fuel issues.

Executive Director Garfinkle reported that he had received loss of propulsion statistics from the U.S. Coast Guard for October, 2015, and that there were no reported loss of propulsion events attributable to fuel switching.

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11. Finance Committee – Commissioner Schneider

A) Report on the Finance Committee held on November 17, 2015.

Executive Director Garfinkle gave the Finance Committee report on behalf of Committee Chairman Commissioner Schneider. He reported to the Board that the Finance Committee had met on November 17, 2015, and discussed the Board's funds condition, surcharges, and the loans left on the P/V DRAKE. He stated the Committee recommends to the Board to raise the Board Operations Surcharge rate from 1% of all pilotage to 2%, effective January 1, 2016, and to not change rates for the Pilot Continuing Education Surcharge, the Pilot Trainee Training Surcharge or the Pilot Vessel Surcharge. Executive Director Garfinkle stated the Committee determined that the Board Operations Surcharge rate, which has been held artificially low since 2013 to reduce the excessive Board Operations fund balance, should now be increased to ensure the continued healthy state of the fund.

Mr. Jacob stated that PMSA is supportive of the proposed increase in the Board Operations Surcharge rate, and that he made the motion to raise the rate at the Committee meeting.

B) Review Board Operations Surcharge (currently 1.0%), Pilot Continuing Education Surcharge (currently \$5 per move), Pilot Trainee Training Surcharge (currently \$10/trainee/move), Pilot Vessel Surcharge (currently at 3.27 mills or \$0.00327). Possible recommendation by the Finance Committee to increase or decrease the amount of any of the surcharges. Possible Board action to approve changes to the surcharge amounts as may be recommended by the Finance Committee, if any.

MOTION: Commissioner Livingstone moved to raise the Board Operations Surcharge rate from 1% to 2%, effective January 1, 2016. Commissioner Schmid seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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MOTION: Commissioner Livingstone moved that no change shall be made to the rates for the Pilot Continuing Education Surcharge, Trainee Training Surcharge or the Pilot Vessel Surcharge. Commissioner Schmid seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved

Executive Director Garfinkle apprised the Board that the statutes require the Department of Finance to review and approve any Board Operations Surcharge rates below 7.5%, and that the staff will pursue this approval process in December.

Mike Miller inquired of Port Agent McIsaac how many ship movements there are in a year. He reported that there are roughly 8,000-8,200 moves per year.

12. Joint Pilot Safety Committee and Continuing Education Committee – Commissioner Livingstone

A) Report on Joint Pilot Safety and Continuing Education Committee held on November 17, 2015.

Vice President Connolly reported on the joint meeting between the Pilot Safety and Continuing Education Committees held on November 17, 2015. He stated that Captain Hurt apprised the Committee on the status of the under-keel clearance study being conducted by the SFBP, that the equipment to conduct the study had arrived, but needs to be connected to the wave buoy, which is currently out of service, and that the SFBP are nearing finalizing a peer review process.

B) Review possible recommendation from Joint Pilot Safety and Continuing Education Committee (Committee) to the Board to approve draft letter of endorsement from the Board in support of the under-keel clearance (UKC) study for the San Francisco Bay Main Ship Channel. Possible Board action to approve letter of endorsement of UKC study for the San Francisco Bay Main Ship Channel.

Vice President Connolly stated the Committee provided Executive Director Garfinkle with guidance on the letter of support from the Board for the UKC study, and that the Committee will finalize the letter and present to the Board at a future date.

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- C) Review possible recommendation from Joint Pilot Safety and Continuing Education Committee to the Board to approve changes in the Pilot Continuing Education Program currently provided to licensees pertaining to the periodicity of existing training, the implementation of additional training, or the modification of existing training modules. Possible Board action to approve changes to the Pilot Continuing Education Program curricula.**

Vice President Connolly described the peer review process that pilots will go through, which will include a ride-along with the Port Agent or his designee with each pilot once a year. Pilots will be reviewed according to basic piloting practices. Port Agent McIsaac further discussed the ride-along concept and how it will create open and ongoing dialogue about best practices.

Vice President Connolly stated the Committee also discussed updated curriculum for navigating in restricted visibility situations, but had nothing to report since CMA and others were busy working on simulations for the ULCV training.

- D) Review possible recommendation from Joint Pilot Safety and Continuing Education Committee to the Board to approve initiation of some form of evaluation of pilots while underway and piloting. Possible Board action to approve initiation of some form of evaluation of pilots while underway and piloting.**

There were no recommendations.

13. Board Rulemaking status report – Executive Director Garfinkle/Assistant Director Cristia-Plant/Board Counsel Eagan

Report on the status and progress of various Board rulemaking efforts, including the following sections in Title 7 California Code of Regulations:

- A) Section 222 – Conflicts of Interest (add Port Agent Conflict of Interest regulation). Possible recommendation to the Board to approve Initial Statement of Reasons and Notice of Proposed Rulemaking for submission to California State Transportation Agency, Department of Finance, and Office of Administrative Law.**

Board Counsel Eagan stated that Board members had been provided with the complete draft rulemaking package at the October Board meeting, and that no changes have been made. He described how the rulemaking process works once Board approval is granted. There were no comments from the Board or the public.

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MOTION: Vice President Connolly moved approve the rulemaking package containing Section 222 – Conflicts of Interest proposed rulemaking as presented, and to direct staff to begin the rulemaking process. Commissioner Schmid seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

B) Section 213 – Pilot Trainees (add exam fee and clean-up of regulations).

C) Section 218 – Duties of Port Agent (amend requirement for assignments of pilots with under 12 and 18 months experience).

D) Section 211.5 – Commission Investigator Minimum Standards (amend minimum qualifications standards).

E) Section 215 – Pilot and Inland Pilot Training (add fatigue management and radar navigation in low/restricted visibility training and clean-up).

Executive Director Garfinkle stated that the rulemaking package for proposed regulations to §§ 213, 218, 211.5 and 215 is being reviewed by CalSTA.

14. Board Meeting Calendar for 2016 – Executive Director Garfinkle

Presentation of draft Board meeting calendar for 2016. Possible Board action to approve draft Board meeting calendar for 2016.

There was no discussion of this item.

MOTION: Commissioner Livingstone moved to approve the 2016 Board meeting calendar. Commissioner Long seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved

15. Pension Committee – Commissioner Connolly

A) Report on Pension Committee meeting held on November 17, 2015.

Committee Chairman Vice President Connolly reported that the Pension Committee met

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on November 17, 2015, and at the meeting discussed the history of the San Francisco Bar Pilot Pension Plan (Plan), including the minutes of the Committee’s last meeting in 2011. He stated the Committee felt it premature at the time to adopt a mission statement, and had discussed the 2009 Plan actuarial report. He reported that the Committee intends to make arrangements with the consultant that prepared the 2009 report to review the report with the Committee at a later date, and that the Committee took no actions.

B) Possible recommendation to Board to approve Pension Committee draft mission statement. Possible Board action to accept Pension Committee draft mission statement.

There was no recommendation.

C) Possible recommendation to Board to direct the Executive Director, as the Pilot Pension Plan Fiduciary, to retain the services of an actuary to conduct a study to assess the actuarial projection of the Pilot Pension Plan retirement benefits. Possible Board action to direct the Executive Director, as Pilot Pension Plan Fiduciary, to retain the services of an actuary to conduct a study to assess the actuarial projection of the Pilot Pension Plan retirement benefits.

There was no recommendation.

16. Rules and Regulations Committee – Commissioner Long

A) Report on Rules and Regulations Committee meeting held on November 17, 2015.

Committee Chair Commissioner Long reported the Committee met on November 17, 2015, and reviewed the proposed 2016 rulemaking calendar.

B) Possible recommendation to Board to approve the draft of 2016 Rulemaking Calendar for submission to the Office of Administrative Law (OAL). Possible Board action to approve the draft 2016 Rulemaking Calendar for submission to OAL.

MOTION: Commissioner Long moved to approve the 2016 Rulemaking Calendar, and to direct staff to submit the calendar to the Office of Administrative Law. Vice President Connolly seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved

President Johnston postponed discussion of **agenda item 17** to later in the meeting.

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18. Report on Board of Pilot Commissioners vs. Fair Political Practices Commission litigation initiated by the Board on March 3, 2015 – Executive Director Garfinkle/Assistant Director Cristia-Plant

Progress report on Board of Pilot Commissioners vs. Fair Political Practices Commission. The Board may go into closed session with the Executive Director/Assistant Director, any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.

Executive Director Garfinkle reported that the Board had prevailed in its litigation with the Fair Political Practices Commission (FPPC), that a peremptory writ has been issued to the FPPC, and that the FPPC has 60 days to respond whether or not it intends to appeal the decision.

19. Report on Craig E. Reeder vs. State Board of Pilot Commissioners litigation initiated by Captain Craig Reeder on December 17, 2014 – Board Counsel Eagan

Progress report on Reeder vs. Board of Pilot Commissioners. The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.

Board Counsel Eagan stated that there was nothing to report.

20. Board discussion of best practices in maritime safety – Vice President Connolly

A Board discussion of best practices in maritime safety and/or lessons learned from Incident Review Committee incident reports or other sources, and possible directions to staff to develop safety policies and procedures.

Committee Chairman Vice President Connolly had nothing to report, and stated the SFBP UKC study and peer review procedures are examples of best practices in maritime safety.

President Johnston postponed consideration of **agenda item 21** until later in the meeting.

22. Public comment on matters not on the agenda.

There were no comments.

23. Proposals for additions to next month's agenda.

There were no proposals

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CLOSED SESSION STARTED: 10:50 P.M.

OPEN MEETING RESUMED: 11:16 P.M.

17. Report on the status of Public Records Act litigation – Board Counsel Eagan

Status report on Public Records Act litigation: Pacific Merchant Shipping Association vs. BOPC and Peter McIsaac 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 §11126(e) of the Bagley-Keene Open Meeting Act.

There was no discussion on this agenda item out of closed session.

President Johnston called for a recess, and indicated that upon return from recess that the meeting will be chaired by Vice President Connolly, and he will assume his position as a member of the Incident Review Committee.

RECESS STARTED: 11:17 P.M.

OPEN MEETING RESUMED: 11:22 P.M.

Vice President Connolly resumed the open meeting as Chairman, and chaired the remainder of the meeting.

21. Incident Review Committee incident report on the M/V FUJI GALAXY - President Johnston

A presentation of the Incident Review Committee incident report concerning the interaction between the M/V FUJI GALAXY and the M/V CS SARAFINA in the Port of Stockton on April 28, 2015. 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 incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

Executive Director Garfinkle gave the IRC report and provided the facts of the incident. He reported the following facts:

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- M/T FUJI GALAXY had departed Richmond Inner Harbor for the Port of Stockton on the afternoon of April 28, 2015, and had a routine transit until coming into the Port of Stockton.
- The pilot called Port Security notifying them of his arrival and the log maintained by Port Security shows that the Chief Officer of the M/V CS SARAFINA was notified of the arrival.
- As the M/T FUJI GALAXY made its way to Port of Stockton Berth 2, a tug was made fast to the port bow. The ship transited at a slow ahead bell to maintain control. During transit, the pilot reported that construction lights located on the pier were obscuring his vision and requested that they be extinguished. The impact of the lights may have influenced the pilot to begin his turn into the port a bit early. During the turn he experienced bank suction on the port side, which required him to maintain a slow ahead bell longer than normal. Once free of the bank suction influence, he reduced to dead-slow ahead.
- As the M/T FUJI GALAXY passed the M/V CS SARAFINA, moored at Stockton Berth 10, the M/V CS SARAFINA experienced interaction and was pulled off the pier. During this movement, the accommodation ladder was pulled off the pier and damaged by the ship as it returned alongside the pier.
- The master of the M/V CS SARAFINA filed a letter of protest alleging that the M/T FUJI GALAXY was traveling at too high a speed.

The IRC divided its analysis into four parts:

- Passage of the M/T FUJI GALAXY.
- Mooring of the M/V CS SARAFINA.
- Whether the M/T FUJI GALAXY was proceeding in a reasonable and cautious manner.
- Were the pilot's actions reasonable, prudent, and made in his best judgment?

Executive Director Garfinkle reported the IRC concluded that the M/T FUJI GALAXY was passing the M/V CS SARAFINA leaving as much appreciable room between the two vessels as was available.

The IRC had obtained video evidence which supported the conclusion that the M/V CS SARAFINA was not properly moored. It had been notified of the imminent passage of the M/T FUJI GALAXY and failed to guard against it. As the M/T FUJI GALAXY passed, the M/V CS SARAFINA's lines paid out, allowing the ladder to fall from the dock and be crushed between the ship and the dock.

The IRC also determined that the pilot's speed was reasonable under the circumstances, that his options to provide more sea room were limited by the space in the channel, and there appeared to be no crew on the M/V CS SARAFINA tending lines or the accommodation

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ladder at the time the M/T FUJI GALAXY was passing the ship. The IRC concluded that the M/V CS SARAFINA failed in its duty to be securely moored so as to resist the wake of anticipated passing traffic.

The IRC recommended that the Board find no pilot error and that the case be closed with no further action.

Executive Director Garfinkle answered questions from Vice President Connolly concerning the length of time it took to present the report. He explained that the report presentation was delayed by a lengthy investigation due to several of the pieces of evidence leading to additional lines of inquiry and yet more evidence. He also answered questions from Commissioner Long regarding the placement of the tugs. Mr. Clack addressed the Board, confirmed that he was retained to represent the Captain Cloes, and stated that he appreciated the thoroughness of the IRC report.

MOTION: Commissioner Livingstone moved that the Board accept the Incident Review Committee's recommend for a determination of no pilot error and to close the case with no other action. Commissioner Schmid seconded the motion.

VOTE: YES: Johnston, Connolly, Livingstone, Long and Schmid.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

24. Adjournment.

MOTION: Commissioner Schmid moved to end the meeting. Commissioner Livingstone seconded the motion.

VOTE: YES: Connolly, Livingstone, Long and Schmid.

NO: None.

ABSTAIN: Johnston,.

ACTION: The motion was approved and the meeting adjourned at 12:00 p.m.



Allen Garfinkle, Executive Director