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Board members present

RADM. Francis Johnston, President, Public Member
 Dave Connolly, Vice President, Public Member
 Capt. Joe Long, Pilot Member
 Capt. Steve Roberts, Pilot Member
 John Schneider, Wet Cargo Industry Member
 Benjamin De Alba, Assistant Secretary for Rail and Ports, representing the Secretary of the California State Transportation Agency

Board members absent

Vacant, Public 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 Capt. Peter McIsaac; Pilot Fitness Committee Chairman Knute Michael Miller; Pacific Merchant Shipping Association (PMSA) Vice President Michael Jacob; San Francisco Bar Pilots (SFBP) Business Director John Cinderey, SFBP General Counsel Raymond Paetzold, SFBP Capts. Bill Greig and George Livingstone

1. Call to order and roll call

President Johnston called the meeting to order at 9:30 a.m. Staff Services Analyst Kelly Dolcini called roll and found that a quorum was established.

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2. Approval of minutes of the October 23, 2014, Board meeting

Board members were presented with the minutes of the October 23, 2014, meeting for approval.

MOTION: Vice President Connolly moved to approve the October 23, 2014, minutes with revisions. Commissioner Schneider seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

3. Announcements – President Johnston

President Johnston expressed his congratulations to Capt. McIsaac on his re-election as President of the SFBP. He also congratulated SFBP Business Director John Cinderey on his pending retirement and SFBP General Counsel Ray Paetzold on his one-year anniversary of representing the SFBP and on assumption Mr. Cinderey’s duties as Business Director upon his retirement.

4. Board Member Activities

There were no reports.

5. Executive Director’s report

Correspondence and activities since the last meeting:

On November 7, 2014, as part of the MINDORO STAR investigation, David Russo, of Sterling, Clack, and Russo, Garrett Wynne of Kessel, Young, and Logan, and Executive Director Garfinkle visited Valero’s Benicia facility to inspect the pier alleged to have been damaged by the MINDORO STAR.

On November 10, 2014, the USCG issued a Marine Safety Alert concerning hull magnets used to secure pilot ladders against the hull of the ship. This alert followed a September 9, 2014 incident where a hull magnet dislodged and struck a Puget Sound pilot on the head. In an investigation following that incident, it was determined that the crew had modified the magnetic device and in addition applied it contrary to manufacturer’s instructions.

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Also on November 10, 2014, Board staff received a request from San Francisco Bar Pilot Capt. Michael Sweeney requesting a disability pension. UCSF physician staff has been asked to make written recommendations to the Board concerning this request.

Also on November 10, 2014, the Executive Director was notified by Counsel for Capt. Guy Kleess, that Capt. Kleess was cited for a traffic violation under California Vehicle Code section 23123, which is for driving a motor vehicle while using a wireless telephone that is not specifically designed and configured for hands free driving. This report was required by the stipulation entered into by Capt. Kleess and the Board following the M/T OVERSEAS REYMAR incident..

Also on November 10, 2014, Board staff received a photograph depicting extensive hyacinth growth on the San Joaquin River. The growth is so pervasive that it makes it difficult to differentiate small boat traffic from hyacinths when using radar. For safety reasons, the San Joaquin River is restricted to day light only passage until the problem is resolved.

On November 11, 2014, Board staff received notification that Commissioner Roberts was interviewed about the occupation of Bar Pilot by Tri-Valley Community Television, which serves the Dublin, Pleasanton, and Livermore areas.

On November 12, 2014, the Chairman of the Pilot Fitness Committee, Knute Michael Miller, assistant director Roma Cristia-Plant, General Chet Ward, Board Counsel Dennis Eagan, and Mr. Garfinkle participated in a conference call with Dr. Ken Wright, from the Sleep and Chronobiology Laboratory at the University of Colorado, Boulder, where the specific issues concerning the contemplated fatigue study were discussed.

On November 13, 2014, Mr. Garfinkle attended a meeting of the Harbor Safety Committee held at the Observatory of the Exploratorium located at Pier 15 in San Francisco. At the meeting, Captain of the Port Greg Stump mentioned that repairs were underway to the Trans-bay Cable.

On November 18, 2014, Board staff received a copy of a letter to President Johnston from Capt. Peter McIsaac informing him that a majority of the Pilots licensed by the Board had elected him to continuing to serve as President of their association. The letter also named the current members of the SFBP Policy Committee, who may from time to time stand in as Acting Port Agent.

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Also on November 18, 2014, Mr. Garfinkle received an article authored by Capt. Jeff Cowan concerning Mariner’s Medical certificates, which is published in the November edition of the Marine News.

Board Licensing:

Between the September and October Board meetings staff renewed the license for Captain Kleess.

Since the October Board meeting staff renewed the license of Capt. Dowdle.

Board Surcharges:

Mr. Garfinkle reported that the Board received a check for \$155,910.72 for surcharges collected by the SFBP, which included the following:

Board Operations Surcharge: \$35,680.72

Continuing Education Surcharge: \$31,050.00

Trainee Training Surcharge: \$89,180.00

Legislative Matters:

Mr. Garfinkle reported that there has been no legislation affecting the Board since last meeting.

Contractual Matters:

Assistant Director Roma Cristia-Plant reported on Board contracts. She stated that a contract with Capt. Jeff Hill for investigator services has been approved and is currently out for signature.

She further reported that Board staff is currently working with CHP to identify an auditing firm to conduct the annual audit to ensure that Board surcharges are being correctly applied.

Responses from the Request for Information from manned model providers are currently being evaluated by Board Staff and Capt. Long to determine minimum qualifications before submission of a Request for Proposals.

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Ms. Cristia Plant also reported to the Board that she had recently completed templates for interagency agreements and standard Board contracts, which will streamline the contracting process for future agreements.

President Johnston opened the floor to questions on the Executive Director’s report. Commissioner Long asked whether Board staff had answered the inquiry received from Warsash Maritime Academy regarding the manned model contract status. She confirmed that a response was sent.

Vice President Connolly inquired about the status of Capt. Sweeney’s disability retirement request. Mr. Garfinkle replied that UCSF has been notified and he hopes to have the issue before the Board at the December meeting.

Vice President Connolly also asked what could be done about the hyacinth growth. Capt. McIsaac responded, stating that there were discussions of spraying, but ultimately the Port of Stockton decided that the best course of action was to restrict movement to daylight only and wait for the hyacinths to die and sink to the bottom at the first frost.

6. Port Agent’s Report

Capt. Peter McIsaac gave the Port Agent Report. He reported the following to the Board:

- There were three pilots absent for medical reasons during the month of October.
- There were seven minimum rest period (MRP) exceptions during the month of October.
- The P/V DRAKE was out of service on November 15, 2014, to repair a main engine fuel transfer pump.
- The P/V GOLDEN GATE was out of service from November 4-14, 2014 for annual dry-docking.

When compared to a three-year average, bar crossings were down 1.2% during the month of July at 551. There were 115 bay moves, up 6.8%, and 50 river moves, up 26.9%. Total moves, when compared to a three-year average were up 1.3% at 716, and gross registered tonnage was up 6.7% at 29,546,695. When compared to 2013, total moves are up 1.8% and gross registered tonnage is up 4.6%.

Capt. McIsaac announced to the Board that he and SFBP Capt. McCloy had attended the electronic navigation (e-nav) conference in Seattle. There were a number of pilot groups and regulators in attendance to speak about current and emerging technologies in ECDIS Portable Piloting Units and training.

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President Connolly asked whether Capts. McIsaac and McCloy saw anything of interest at the e-nav conference. Capt. McIsaac responded that Capt. McCloy, who is head of the SFBP Navigation Technology Committee reported productive discussions with several people including the head of the American Pilots' Association Navigation Technology Committee.

7. Pilot Evaluation Committee

Capt. Einar Nyborg was not in attendance, so Capt. McIsaac gave the Pilot Evaluation Committee (PEC) report on his behalf. The Committee met on November 19, 2014. All trainees are currently experiencing an intensive three months of high-volume work. They complete a minimum of 45 jobs per month in order to complete U.S. Coast Guard minimum requirements for pilot endorsement testing. USCG testing begins in December.

8. Reported safety standard violations – Executive Director Garfinkle

There were no safety standard violations. Mr. Garfinkle announced an incident that had occurred in Washington State. An item of ship's equipment had been modified and misused, causing injury to a pilot and possibly ending his career.

9. Reportable piloting events – Executive Director Garfinkle

A) Mr. Garfinkle reported that the Incident Review Committee investigation into the alleged hard landing of the M/T MINDORO STAR at the Valero Benicia Marine Terminal (BNC 4) on July 26, 2014 is still under investigation. He is still waiting on witness statements from the line handling crew. The 90-day deadline was October 23, 2014. Mr. Garfinkle requested an extension to the December 18, 2014 meeting.

MOTION: Commissioner Long moved to grant an extension to the December 18, 2014 Board meeting. Commissioner Schneider seconded the motion

ACTION: The motion passed unanimously on a voice vote.

B) Regarding the loss of propulsion of the M/V OCEAN LIFE on September 5, 2014, Mr. Garfinkle reported that the investigation is not yet complete. The 90-day deadline occurs December 4, 2014. Mr. Garfinkle requested an extension to the December 18, 2014 Board meeting.

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MOTION: Vice President Connolly moved to grant an extension of the investigation into the loss of propulsion of the M/V OCEAN LIFE. Commissioner Schneider seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

10. Low Sulfur Fuel – Executive Director Garfinkle

Mr. Garfinkle gave a report on loss of propulsion due to the suspected impact of low sulfur fuel from data provided by the Office of Spill Prevention and Response. There were no loss of propulsion incidents related to fuel switching in the month of October.

Mr. Jacob reminded those in attendance that the fuel switching rules will change nationwide beginning January 1, 2015. He asked that the item remain on the agenda and that the Board be mindful of trends.

11. Pilot Fitness Committee – Committee Chairman Knute Michael Miller

The Pilot Fitness Committee met on November 13, 2014. Chairman Miller reported that, after discussions with several governmental entities, they had developed a final statement of work for the Pilot Fatigue Study and were seeking Board approval.

Vice President Connolly commended the Committee on its hard work and asked about the use of actigraphy in the study. He reported that he was asked extensive questions on the fatigue study in his confirmation interview. Mr. Miller responded that actigraphy will not be ruled out as an option, but that that Committee is leaving it open to the researchers to propose how they would conduct such a study and whether they deem the use of actigraphy a necessary part of the study.

MOTION: Commissioner Roberts moved to approve the final statement of work. Commissioner Connolly seconded the motion.

ACTION: The motion passed unanimously.

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12. Pilot Boat Advisory Committee – President Johnston

The Pilot Boat Advisory Committee met on November 19, 2014. At the meeting, there was a discussion of work done on the P/V PITTSBURG and the Committee sought Board approval of the final authorization for the service-life extension of the P/V PITTSBURG. Documentation was provided for all costs associated with the project, as well as a vessel survey and documentation of costs covered by the Carl Moyer Grant.

MOTION: Commissioner Roberts moved to give final authorization for the San Francisco Bar Pilots to recover their costs for the service life extension of the P/V PITTSBURG in the amount of \$117,432.95. Vice President Connolly seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

President Johnston thanked the Committee, Mr. Jacob and SFBP Counsel Ray Paetzold for their hard work.

Following a request from SFBP Counsel Ray Paetzold during the public comment period of this meeting, Commissioner Schneider stated the following for the record: a motion for use of the Pilot Vessel Surcharge funds was not necessary by the Board at this time. As discussed at the Board’s September 25, 2014 meeting, the final authorization amount (as approved above) falls within the existing surcharge and, therefore, the final authorization approval is the only action necessary to give the SFBP the authority to pay for all P/V PITTSBURG service life extensions.

13. Proposal to modify Duties for Port Agent Related to Pilot Continuing Professional Development provisions. – Commissioner Roberts

Commissioner Roberts would like the Board to take a look at the increasing size of vessels calling in San Francisco and current continuing professional development regulations. He asked that the Board refer the matter to the Continuing Education Committee for consideration and possible development of a recommendation.

14. Commission Investigator Minimum Standards. – Executive Director Garfinkle

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Mr. Garfinkle reported that the Board had set minimum standards for investigators shortly after his appointment as Executive Director. The bar is set very high in the current regulations and the staff is now having trouble building a pool of qualified investigators. He would like to refer the issue to the Rules and Regulations Committee for modifications to the regulations. The matter was referred to the Rules and Regulations Committee for analysis and drafting.

15. Report on the Status of Public Records Act litigation – Board Counsel Eagan

There was no report.

THE BOARD NEXT CONSIDERED AGENDA ITEM 18, AS ITEMS 16 AND 17 REQUIRED CLOSED SESSIONS, WHICH WILL FOLLOW AGENDA ITEM 21.

18. Board Discussion of Best Practices in Maritime Safety – Vice President Connolly

The Pilot Safety Committee will meet on December 4, 2014. There was no further report.

19. Incident Review Committee report on the M/T MINDORO STAR – President Johnston

The report is still under investigation and was deferred to the December Board meeting.

PRESIDENT JOHNSTON PROCEEDED WITH AGENDA ITEMS 20 AND 21 OUT OF ORDER, SO THAT CLOSED SESSIONS FOR AGENDA ITEMS 16 AND 17 COULD BE HELD FOLLOWING THE CLOSED SESSION FOR AGENDA ITEM 17.

20. Public Comment on Matters Not on the Agenda

Mr. Paetzold did not hear the recommended Board action to allow the SFBP to recover reserves from the Pilot Vessel Surcharge. He asked that the decision be restated.

21. Proposals for additions to Next Month’s Agenda

There were no proposals.

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THE BOARD THEN WENT INTO CLOSED SESSION TO DISCUSS AGENDA ITEMS 16 AND 17.

BEGIN CLOSED SESSION: 10:50 a.m.
END CLOSED SESSION: 11:55 a.m.

16. Report on Fair Political Practices Commission decision to include Port Agent in Board's Conflict of Interest Code.

This item was discussed in closed session. There was no report from the closed session.

17. Report on Stipulation for settlement and mutual release in Peinado vs. Board of Pilot Commissioners, Case No. 964430

This item was discussed in closed session. There was no report from the closed session.

Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini