

BOARD OF PILOT COMMISSIONERS

Minutes December 18, 2003

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun regular meeting was held in the Board of Pilot Commissioners office, Pier 9, Suite 102, San Francisco, CA, commencing at 10:45 a.m. on Thursday, December 18, 2003, Commissioner Lundeborg presiding. A quorum was present, including Commissioners Bayer, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Pete McIsaac, Board Counsel Ray Paetzold, Executive Director Patrick Moloney and Secretary Alice Evans. Various members of the public included past Commissioners Bainbridge Leland USCG (ret.), RADM. Thomas Patterson USMS (Ret.), and Charles Adam and SFBP Capt. Ed Melvin, SFBP Business Director Ken Levin, SFBP Trainee Eric Robinson, Cdr Pauline Cook USCG VTS, Capt. Jerry Swanson USCG Captain of the Port, Cal State Lands Commission Roy Mathur and Gary Gleason, Farbstein & Blackman, APC. Commissioner Lundeborg acknowledged the presence of the former Commissioners and thanked them and the remaining members of the public for attending.

Request approval of Minutes of the November 20, 2003 regular Board meeting. The minutes were unanimously approved.

Correspondence and Activities since the November meeting--Executive Director Moloney

1. The Board received a letter dated December 8, 2003 from SFBP Captain Donald E. Hughes applying for disability retirement. Executive Director Moloney noted that this item was to be addressed under New Business G.1., but that Captain Hughes had called that morning to withdraw his request.

Other Pilot Matters--Executive Director Moloney

1. The Board issued license renewals to Captains Gans, McBride and Welch during the month of December.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through October and Inland Pilot Slough through November 2003. Copies are available in the Board office.

Port Agent's Report -- Port Agent Captain McIsaac

1. There are currently three pilots NFFD; Captain J. Weiss is recovering from a non-work related condition. Captain Hoburg is recovering from a knee injury suffered while disembarking from a vessel at the dock on November 10. Captain Gans was injured while disembarking at sea on December 6. While he was descending the ladder the pilot boat unexpectedly rose up on a swell hitting him in the back and knocking him off the ladder. Captain Gans clung to the man-rope and rolled onto the deck of the pilot boat when she came up on the next swell. He suffered contusions and strained muscles but is expected to be FFD later this month. Captain Greig was NFFD from November 11 through the 26th.
2. As reported last month, the P/V DRAKE broke a shaft and lost a propeller on November 11. There was no dry dock space available until late last week. The yard is expected to finish fitting the propeller to the new shaft today and refloat her on high tide December 19. Also reported last month was a fuel system problem with the P/V GOLDEN GATE. While at sea on the night of November 12, she suffered a similar casualty. The crew of the P/V

SAN FRANCISCO was able to take the P/V GOLDEN GATE in tow and bring her back into the Bay. It should be noted that the crew on both vessels did a commendable job working in hazardous conditions. A subsequent investigation found a leak in a check valve that allowed air to enter the fuel system.

3. After many decades of having pilots serve as Marine Superintendent overseeing the maintenance of five boats and our facility, the SFBP have decided to hire an employee to fill that capacity. The job has grown to be too time consuming and complex not to have someone devoted to it full time. We have started the interview process and expect to have someone on board during the 1st quarter of 2004.

Commissioner Rosequist inquired as to what other duties the Marine Superintendent will undertake. Port Agent Captain McIsaac noted that the position will include overseeing compliance with CALOSHA requirements, maintenance scheduling, overseeing and tracking pilot vessel crew training and acting as assistant security officer.

4. Vessel movement report through November 2003; compared to three-year daily average:

Bar Crossings	+4.2%
Bay Moves	+7.1%
River Moves	-11%
Total Moves	+4.0%
Gross Tons	+8.7%

Unfinished Business

1. Open Incidents --Executive Director Moloney

- a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; hearing scheduled for January 7, 2004 (and, if necessary, January 8 and 9) at Office of Administrative Hearings, 1515 Clay St., 2nd floor, Hearing Room 7, Oakland -- updated hearing information as necessary -- Executive Director Moloney reported that a pre-hearing conference is scheduled for December 22 with Administrative Law Judge, Robert Walker. Captain Weiss' attorney has informed the ALJ that he expects to request a further postponement of the January 7, 2004 hearing due to his client's health. He has requested supporting letters from his doctors. The Board members expressed their concern for Captain Weiss' health, but impressed upon counsel their need to be informed of any further postponement as soon as possible. Board Counsel will notify all Board members as soon as possible of any scheduling changes authorized by the ALJ.
- b. M/V S/R GALENA BAY, possible grounding approaching San Francisco Dry Dock and allision with Dolphin 6, August 26, 2003

Executive Director Moloney reported that the investigation is complete but the IRC has not been able to schedule a meeting with the pilot. The IRC requests an extension until the next regular Board meeting to submit its report. It was moved and seconded to extend the due date for the IRC report on the incident until the next regular Board meeting. Commissioner Lundeborg asked for discussion. Commissioner Bayer expressed his concern for the timely completion of such reports. The motion passed unanimously.

2. Pilot Ladder reportable incidents --Executive Director Moloney reported that there are no pilot ladder incidents to report.

Commissioner Bayer referred to the pilot ladder deficiency report provided at the October 23, 2003 regular Board meeting and noted that several of the agents for the ships involved told him that they were unaware of those deficiency reports.

Commissioner Bayer moved and it was seconded that upon receipt of a Pilot Ladder Deficiency Report, the Executive Director will write a letter to the vessel's agent and/or owner, enclosing a copy of the deficiency report and will follow-up with a phone call to ensure receipt. Commissioner Lundeborg asked for discussion. The Board discussed the normal protocol for providing such direction through the Board president. There being no further discussion the motion was amended as follows:

Subject to the President's authority to direct the administrative operations of the Board, upon receipt of a Pilot Ladder Deficiency Report, the Executive Director will write a letter to the vessel's agent and/or owner, enclosing a copy of the deficiency report and will follow-up with a phone call. There being no further discussion the motion passed unanimously.

3. Rules and Regulations Committee--Commissioner Welch -- no report
4. Finance Committee--Commissioner Winn -- report on Committee meeting scheduled for December 18, 2003

Commissioner Winn reported that the Committee met today and that SFBP reported that while November had been slow, it has generally been a strong year. The Committee reviewed the Board Fund Status. There is approximately \$ 2.5M in reserve. The P/V Surcharge reserve is currently \$82,000. No changes in the surcharge rates are currently recommended. The next Finance Committee meeting is scheduled for 8:45 a.m. prior to the February Board meeting.

5. Pilot Training Curriculum Committee--Commissioner Wagner -- no report.
6. Ad Hoc Committee on Trainee Selection--Commissioner Bayer -- Status report on review of trainee selection process

Commissioner Bayer reported that Drs. Hertz and Chin met with the Committee on November 12, that Task 1 of the previously distributed Selection Procedures and Work Plan is completed. A Practice Analysis Questionnaire was delivered to the Bar Pilots Association on December 3, 2003 for distribution to all pilots. The requested return date for the completed questionnaires is December 19, 2003. Maintaining the timeline is important in order to get back on schedule for the timely adoption of any revisions to the trainee selection process. It is important for all active pilots to complete the questionnaire in order to ensure that the Board's selection procedures accurately reflect the work performed. Executive Director Moloney reported that to date, 15 had been completed and returned. Captain McIsaac stated that another 4 or 5 had been received that morning. Commissioner Bayer asked the Port Agent to urge the remaining SFBP to complete and return the questionnaires as soon as possible.

7. Pilot Evaluation Committee--Capt. Melvin--Report on trainees' progress in training program -- Report on December 17, 2003 Committee meeting -- Possible recommendation to issue Certificate of Completion and license to pilot trainee(s); **possible Board action**

This item was reported on earlier in the meeting as Captain Melvin was called to work.

Pilot Evaluation Committee Chair, Capt. Melvin reported as follows:

The Pilot Evaluation Committee met December 17, 2003, at which time it completed a final assessment of whether trainee Captain Eric C. Robinson had successfully completed all elements of the Board's training program, including each of the criteria listed in the Board's regulations at Section 214(h). The Committee unanimously agreed on its conclusion and has authorized me to present its recommendation to you at today's meeting.

Before his entrance into the Board's training program, Captain Robinson served nine years as a St. Thomas U.S.V.I. pilot and had moved over 5,500 vessels. He is a 1992 Mass Maritime graduate. He entered the SFBP training program in September 2002.

Throughout his tenure as pilot trainee, Captain Robinson has shown superior shiphandling skills and a rapid acquisition of local knowledge. To date, Captain Robinson has made over 449 trips as trainee, riding as observer on 165 trips and directing the navigation of the vessel under the direct supervision of a pilot or inland pilot on another 284 trips. Over 75 of those trips were with members of the Pilot Evaluation Committee.

As I have reported to you in the past, the Committee regularly reviewed his progress through periodic meetings with him and through its review of the trip reports by other pilots. Each Committee member personally rode numerous times with Captain Robinson before making this recommendation.

Captain Robinson continues to meet all statutory prerequisites for being licensed as a pilot. He has maintained in excess of a 4.0 score on his evaluations by the Committee, and has adequately demonstrated each of the specific items of local knowledge – both in written examinations and orally during their riding with members of the Pilot Evaluation Committee.

In addition, the Committee used detailed trip reports to ensure that Captain Robinson has demonstrated a working knowledge of the fundamentals of shiphandling in each of the circumstances listed in the regulations, and has demonstrated the skills and knowledge necessary to become a Board licensed pilot.

On behalf of the Pilot Evaluation Committee, it is my pleasure to recommend that the Board issue to Captain Robinson a Certificate of Successful Completion of the Board's pilot trainee training program and that it authorize the issuance of a pilot's license to Captain Robinson as soon as a vacancy becomes available.

Commissioner Lundeberg thanked Captain Melvin for his report. It was moved and seconded to issue a Certificate of Completion of the Board's pilot trainee training program and authorize the issuance of a pilot's license to Captain Eric C. Robinson effective next available opening. Commissioner Lundeberg asked for discussion. It was noted that there will be an opening with the retirement of Captain Arthur Thomas effective January 1, 2004. There being no further discussion the motion passed unanimously.

8. Vessel Interactions--Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi -- Executive Director Moloney reported that there were no incidents of vessel interactions reported.

9. Security assessment covering pilots' operations -- Commissioner Falaschi

SFBP Port Agent Captain McIsaac reported that the SFBP applied for a grant through Homelands Security for closed circuit monitors at the pilot boat landing area and gate. The grant was turned down; however, the SFBP may consider obtaining security cameras some time in the future.

G. New Business

1. Request by SFBP Capt. Donald Hughes for disability determination under Harbors and Navigation Code Section 1164; **possible Board action re same**

As noted earlier, Captain Hughes withdrew his request prior to the board meeting.

2. M/V NEW HORIZON, allision with North Channel Buoy "#1", December 6, 2003 -- Executive Director Moloney reported that this incident is under investigation.

3. Public Comment on matters not on the agenda

RADM. Patterson USMS (Ret.) thanked the Board for this opportunity to attend today's meeting. He thanked the SFBP for their continued support of the S/S JERIMIAH O'BRIEN and thanked retired SFBP Captain Buttner and Executive Director Moloney for the JOB's continuing safety legacy.

4. Proposals for additions to next month's agenda – there were none.

The next regular meeting is scheduled for January 22, 2004 at 9:30 a.m.

Adjournment – the meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Alice A. Evans
Secretary