

Minutes
February 22, 2007

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 9:30 a.m. on Thursday February 22, 2007, Commissioner Miller presiding. A quorum was present, including Commissioners Lundeberg, Soares, Wagner and Wainwright. Also present were SFBP Port Agent Captain McIsaac, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Request approval of Minutes of the January 25, 2007 regular Board meeting. The minutes were unanimously approved with the change to page 6, Item 8. para . 4, by adding: *(A copy of the spreadsheet is attached to and made a part of these minutes. Additional copies are available in the Board office.)*

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

1. The Board received a letter dated January 24, 2007 from David S. Chaney, Chief Assistant Attorney General, advising of consent to retain outside counsel.
2. The Board forwarded a letter dated January 29, 2007 to Andrea Lynn Hoch, Legal Affairs Secretary, requesting authorization to retain outside counsel.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Atthowe, Cota, Greig, Hartshorn, M. Hoburg, Lobo, O'Laughlin, Pinetti, Roberts, Vilas and Wagner during the month of February 2007.
2. The Board has received manpower reports and statements for Pilotage fees and surcharges collected from SFBP through December 2006 and Inland Pilot Slough through January 2007.

Port Agent's Report -- SFBP Captain Peter McIsaac

1. Not-fit-for Duty: Captain Welch was NFFD from January 4 through February 1, while being treated for a non-pilot related condition; Captain Alden was NFFD from January 17 through January 31 while being treated for a shoulder condition that was related to climbing pilot ladders; Captain Plant was NFFD from February 15 through February 21 while being treated for a non-pilot related condition; Captain Fuller was NFFD from February 4 through February 21 while being treated for a condition not related to piloting; Captain Simenstad suffered a leg injury on January 25 that required surgical repair. He is expected to be NFFD for at least four months.
2. Recommended Minimum Rest Period Exceptions: There were four in January; 3 occurred when 1 pilot was NFFD; 2 on personal business, 1 on jury duty; 1 occurred when 1 pilot was NFFD, 1 on comp time; the minimum time off was 10.2 hours.

3. Pilot Vessels: P/V GOLDEN GATE - out of service 3 different days due to engine control issues.

4. January billed vessel moves compared to 3-year average:

Bar crossings	+11%
Bay moves	+19%
River moves	+22%
Total moves	+13%
GRT	+32%

Compared to January 2006 total moves were up 0.5% and GRT was up 8%.

Unfinished Business

1. Open Incidents -- Executive Director Moloney

a. M/V PACIFIC SUCCESS, allision with Berth Pier 4, Port Chicago, September 10, 2006, SFBP Captain H. Kenyon --

b. M/V IOANISS THEO, allision with Richmond Berth 5A, September 14, 2006, SFBP Captain M. Simenstad

PROBABLE CAUSE

On the afternoon of 14 Sept. 2006, Capt Simenstad boarded the bulk freighter IOANNIS THEO in Anchorage 14 to pilot it to Richmond, Parr 5A. The vessel was underway at 1318 and made an uneventful transit, passing the breakwater at 1507.

At 1512 the docking tugs were made up with the *Enterprise* (twin screw, 5000 bhp) on the port bow and the *Sea Eagle* (twin screw, 1800 bhp) on the port quarter. At 1519 the vessel made the Point Potrero turn using a half ahead engine order, then reduced to dead slow ahead for the Harbor Channel transit.

Capt Simenstad noted the wind was coming from the south to southwest and held the vessel to the left side of the channel. As the vessel approached the turn to the Santa Fe Channel, Capt Simenstad noted a Foss oil barge moored at the Time Oil Terminal where the vessel would be turning.

As the vessel made the turn, the wind came almost directly on the beam and caused it to set to starboard faster than Capt Simenstad had anticipated. The sail area of the house (aft) caused the stern to set faster and toward the oil barge.

Capt Simenstad ordered the rudder to hard right and the engine to full ahead to lift the stern away from the barge. The forward tug was directed to push and the after tug to keep its line slack. As soon as the vessel's stern cleared the barge, the engine was backed to take the way off.

The torque from the backing propeller pulled the vessel's stern to port and bow to starboard. Before Capt Simenstad could back the forward tug, the vessel landed heavily on the corner of the pier about midship. With the way off the vessel, the tugs were used to parallel the pier and the vessel backed into position and moored without further event.

OPINIONS

1. While there is a difference in reported wind it is assumed that the wind was generally from the SSW, gusting from a minimum of 20 knots.
2. As the vessel turned into Santa Fe Channel the wind caused it to set to starboard more than Capt Simenstad expected, pushing it toward a moored tank barge.
3. Capt Simenstad acted correctly in using the engine and rudder to lift the stern away from the barge.
4. When backing to take the way off the vessel, the bow was pivoted to starboard. The forward tug was still pushing. Backing the forward tug may have prevented the allision.
5. In interview Capt Simenstad noted that he had made several trips into berths in the vicinity of Parr 5A and after this experience, always insisted on having a tractor tug to use controlling the vessel's stern.

RECOMMENDATIONS

1. Close this case. Minor pilot error. Capt Simenstad misjudged the effect of the wind on the vessel. His actions in avoiding an allision with the tank barge were correct but lead to the hard landing on the corner of the pier at Parr 5A. IRC report serves as lessons learned.

It was moved and seconded to accept the IRC report. Commissioner Miller asked for comments from the public and discussion. There were no comments from the public and no discussion. The motion passed unanimously.

- c. M/V POLAR CALIFORNIA, allision with fishing boat off Pt. Blunt, October 29, 2006
- d. M/V DA YA HAI, grounding vicinity of Riverview San Joaquin River, January 10, 2007
- e. RMS QE2 allision with Pier 35, January 23, 2007

Executive Director Moloney reported that the IRC requests an extension for incidents a. and c. listed above. Incidents a. and c. require meetings with the pilots and he anticipates reporting at the next Board meeting. Incidents d. and e. remain under investigation. It was moved and seconded to extend IRC reports for incident a. and c., listed above until the next Board meeting. Commissioner Miller asked for comments from the public and discussion. There were no comments from the public and no discussion. The motion passed unanimously.

2. Pilot Ladder reportable incidents -- Executive Director Moloney said there are no incidents to report.
3. Rules and Regulations Committee -- Commissioner Wainwright -- report on February 21, 2007 Committee meeting.

Commissioner Wainwright reported that the Committee met February 21 and reviewed the 2007 Rulemaking Calendar, Pension Committee's recommendations for rulemaking to define various terms in statutory pension plan (HNC Sections 1160-1168) and disability determination procedures and Pilot Vessel Surcharge Procedures and directed Board staff to prepare draft language for review at the next Rules and Regulations Committee meeting. The Committee will continue review of Pilotage Rate Setting Process, the term "Misconduct" and Procedures to Determine Number of Pilots upon receipt of request from PMSA and Committee chairs.

Commissioner Lundeberg expressed his belief that the Rules and Regulations Committee had completed its work on the "misconduct" issue last year. Board Counsel Paetzold advised that the Committee had recommended no changes to the IRC reporting procedures but had left the review of what constitutes "misconduct" on the agenda.

4. Finance Committee -- Commissioner Wainwright -- Report on February 22, 2007 Committee meeting -- including report on Annual Audit of SFBP Financials; status of Spring Finance Letter to Department of Finance, efforts to amend BOPC's expenditure authority to accommodate increased expenses related to pilot trainee training; Board Fund Condition and possible recommendations to adjust rates for Board Operations Surcharge (currently 2.1% increasing to 2.4% eff. 7/1/07), Pilot Trainee Training Surcharge (currently \$9/trainee/move) and/or Pilot Training Surcharge (currently \$20/move increasing to \$30/move eff 7/1/07); *(Note - Board Fund Condition is normally reviewed quarterly - next regular review is April 2007 - but kept on the agenda to allow for rapid response to questions from DCA/DOF relative to Spring Finance Letter seeking increased expenditure authority for additional trainee training expenses.)* Possible recommendation re procedures/timing to increase Pilot Vessel Surcharge (currently 4.5 mils) for new construction of pilot boats or life extension modifications -- **possible Board action re same**

Commissioner Wainwright reported that the Committee met February 22, 2007. Mr. Levin, SFBP Business Manager distributed copies of the SFBP Income and Expense 2006 Audit Reports (copies are available in the Board office.) Mr. Levin also presented the SFBP New Boat and Service Life Extension Projects short and long term needs. The Finance committee requests that the Board appoint a Boat Committee. Mr. Jacob, PMSA Vice President, who was in the audience noted that PMSA is supportive of the SFBP New Boat and Service Life Extension Projects. Commissioner Miller noted appointments to the Boat Committee would be announced at a later date.

The Spring Finance Letter was delivered to Sacramento February 13, nothing further to report at this time. Board staff is currently waiting for the three trainee contracts to be signed to begin training April 1. No recommendations to change the surcharges beyond those already approved as noted above.

5. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
6. Pilot Evaluation Committee -- Capt. Roberts -- Report on February 21, 2007 Committee meeting, status of trainees and of preparation for possible trainee selection examinations in August 2007.

Captain Roberts reported that the Committee met February 21 and all seven trainees were interviewed individually. The four new trainees continue federal pilotage testing. It is anticipated that the PEC may have a recommendation at the next Board meeting to issue Certificate of Completion. The Committee continues review of the new trainee handbook. The Committee will hold another orientation for the next group of trainees. The trainee selection examination remains on schedule for August.

7. Pilot Power Committee -- Commissioner Wagner said there is no report, but requested the Board to direct a letter to the Governor regarding the safety issue if the Spring Finance Letter is not approved and the need for additional trainees to begin as soon as possible. Commissioner Miller noted that Sacramento has given every indication that the SFL will be approved and the Board can move forward with additional trainees as anticipated. Board staff noted that the April 1 trainee contracts are on schedule.
8. Pension Committee -- Commissioner Miller -- Report on status of Board's authority to select/contract with new fiduciary and for actuarial study; **possible Board action re same**

Commissioner Miller reported DOF and DCA personnel have advised that separate expenditure authority was not required for these items and that the Committee and Board staff await decision from Sacramento on whether Department of General Services will authorize proceeding with selection and contracting procedures.

9. Vessel Interactions -- Executive Director Moloney said there is no report.
10. Pilot Security -- Commissioner Miller said there is no report and this remains as a placeholder.
11. Ad hoc Committee for Pilot Fitness -- Commissioner Miller said there is no report and this remains as a placeholder.
12. Pilot Identification Cards -- Executive Director Moloney -- status of federal proposal for Transportation Worker Identification Credential (TWIC). Commissioner Lundeborg and Soares reported that development of the TWIC is under contract with Lockheed Martin and that initial issuance of the new cards in the Bay Area is scheduled for August/September 2007.

Commissioner Wagner requested that in the interim Board staff replace current I.D. cards with a more substantial card. Executive Director will pursue options for a more substantial I.D. Card.

13. Ad Hoc Committee on Pilot Safety -- Commissioner Miller - report on loss of Delaware pilot February 4, 2007, Committee appointments. Commissioner Miller extended the Board's condolences following this recent loss. He reported that he has requested Commissioner Soares to chair this new Committee and SFBP Captain Hartshorn to serve as member. Both have agreed to serve. The Committee has been asked to review SFBP safety procedures and lessons learned from recent losses of pilots in Oregon, Hawaii, Boston and Delaware and of a pilot boat and its operator in Texas. SFBP Port Agent McIsaac noted that this would enhance the SFBP safety procedures by reviewing current and past practices. The SFBP will conduct man overboard procedures and the Board will be invited to attend.

New Business

1. Public Comment on matters not on the agenda -- There was none.
2. Proposals for additions to next month's agenda -- SFBP Captain Roberts, PEC Chair requested that possible recommendation(s) to issue one or more Certificates of Completion be added to the next Board agenda.

Schedule next regular meeting -- Set 2007 Board meeting calendar - Board meetings will continue to be scheduled for the 4th Thursday of each month through October, and for November 15 and December 13 to accommodate holiday schedules in those months. The next meeting is scheduled for March 22, 2007 at 9:30 a.m.

Adjournment -- the meeting was adjourned at 10:20 a.m.

Respectfully submitted,

Alice A. Evans
Secretary