

Minutes April 26, 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 10:30 a.m. on Thursday April 26, 2007, Commissioner Miller presiding. A quorum was present including Commissioners Lundeborg, Osen, Wagner and Wainwright. Also present were SFBP Port Agent Captain McIsaac, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Commissioner Miller welcomed Captain Eric Osen to the Board as Industry Tanker Representative. Commissioner Osen introduced himself and gave an account of his past experience and current position held with Chevron Corp. He noted that he is very pleased to be a part of the BOPC and is looking forward to working on the Commission.

Request approval of Minutes of the March 22, 2007 regular Board meeting. The March 22, 2007 Board meeting minutes were unanimously approved. Commissioner Miller noted that a change to the already approved February 22, 2007 Board meeting minutes was requested by Mike Jacob, PMSA Vice President; page 4, Item 4. Finance Committee Report change line 4 -- "Mr. Jacob, PMSA Vice President, who was in the audience *noted that PMSA agreed to the creation of the boat committee*". ~~Strike is supportive of the SFBP New Boat and Service Life Extension Projects.~~ It was moved and seconded to approve the change. Commissioner Miller asked for comments from the public and discussion. There were none. The motion as unanimously approved.

Correspondence and Activities since the March meeting -- Executive Director Moloney referred to a copy of a letter that Mr. Garrett O'Doherty, CEO Signature Hospitality Group sent to the Department of General Services, Ernie Siller, Associate Real Estate officer advising of lease termination of the BOPC office space at Pier 9, Suite 102, effective May 31, 2007. Executive Director Moloney reported that Board staff and Sacramento are currently working on obtaining alternate office space.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Dohm, F. Hoburg, Lemke, Melvin and Pinder during the month of April 2007.
2. The Board received manpower reports and statements for Pilotage fees and surcharges collected from SFBP through February 2007 and Inland Pilot Slough through February 2007.

Port Agent's Report -- SFBP Captain Peter McIsaac

1. NFFD: Captain Simenstad is recovering from a January 25 leg injury. He is undergoing physical therapy and it is anticipated to be fit-for-duty by June 1.

Captain Plant has been not-fit-for-duty since April 19 while being treated for a condition not related to piloting.

2. Recommended Minimum Rest Period Exceptions: there were 4 in April: 2 occurred when 4 pilots were off, 1-comp, 2-pilot business, 1-NFFD; 1 occurred when 1 pilot was on comp time, 1 occurred when 1-NFFD, 1 pilot business. The minimum time off was 9.5 hours.
3. Pilot Vessels: P/V SAN FRANCISCO is at Bay Ship having the port tail shaft seal replaced. The work should take a total of 3 days.
4. March billed Vessel Moves compared to 3-year average:
 - Bar Crossings: +9%
 - Bay Moves: +18%
 - River Moves: -7%
 - Total Moves: +9%
 - GRT: +20%
 When compared to 1st quarter 2006 total moves were down -3.5% and GRT was up 3%.
4. Pilot Safety (report for item 12 listed below): On April 5 I met with pilots from LA, LB and Puget Sound to discuss safety and other issues. The LA pilots have hired an outside consulting group, Marine Rescue Consultants (MRC) to evaluate their operation and train their boat operators. Captain Hartshorn and Chris Johnson have been in contact with MRC and plan on attending a SAR training session next month to determine if the training would be appropriate for the SFBP.

Unfinished Business

1. Open Incidents -- Executive Director Moloney
 - a. M/V DA YA HAI, grounding vicinity of Riverview San Joaquin River, January 10, 2007 - Executive Director Moloney reported that the IRC has not completed this investigation and requests an extension until the next Board meeting. It was moved and seconded to extend this IRC report until the next Board meeting. Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.
 - b. RMS QE2 allision with Pier 35, January 23, 2007 -- Executive Director Moloney reported that the IRC determined this to be a non-incident. The pilot had asked the tug on the quarter to pull. It was a tractor tug. Its operator responded that it was in the in-direct mode. The tug was consequently unable to provide the quick pull that the pilot was expecting. The ebb current set the ship down on the corner of Pier 35. The Captain of the vessel noted that this is normal procedure in other ports and that no damage occurred except for a small scrape of paint. It was noted that the tug was tethered like an escort. It was moved and seconded to accept the IRC report. Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.
 - c. M/V BELLE AYURA, grounding Beacon 5 Mandeville Reach, San Joaquin River, February 28, 2007 -- Executive Director Moloney reported that this incident is under investigation.

2. Pilot Ladder reportable incidents -- Executive Director Moloney reported there are no reportable pilot ladder incidents.
3. Rules and Regulations Committee -- Commissioner Wainwright -- report on April 10, 2007 Committee meeting; including possible reports on whether to proceed with proposed rulemaking to define “misconduct;” and on proposed rulemaking to define terms under the statutory pension plan, to adopt procedures for disability determinations; to adopt procedures for pilot vessel surcharge; to amend Rate Hearing Procedures; and to extend serving pilot and inland pilot training cycle from 3 to 5 years; **possible Board action to proceed with formal rulemaking**

Commissioner Wainwright reported that the Committee met April 10, 2007 and gave the following report: The Committee voted to recommend to the Board that no formal definition be adopted and to remove the “misconduct” item from the Committee’s agenda. Commissioner Lundeberg and Commissioner Wainwright voted in favor of the motion. Commissioner Soares voted against the motion. Commissioner Miller noted that because Commissioner Soares was not in attendance at today’s meeting that this recommendation be held over until the next Board meeting to give Commissioner Soares an opportunity to address the Board. Commissioner Lundeberg noted that at the Rules and Regulations Committee meeting Commissioner Soares had not expressed his reason to leave misconduct on the agenda. It was moved and seconded to leave the Committee’s report on the “misconduct” item on the Board’s agenda until Commissioner Soares was available to comment. Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.

Commissioner Wainwright reported that the Committee through its noticed meetings has determined that there is sufficient language to proceed with formal rulemaking and recommended in the form of a motion to the Board to direct Executive Director, Board staff and counsel to take the necessary action to proceed with the publication of a Notice of Proposed Rulemaking for the following items:

Pension Plan (new Art. 8, Sections 238 and 239): proposed rulemaking to define various terms in statutory pension plan (HNC Sections 1160-1168) and to provide for disability determination procedures;

Pilot Vessel Surcharge Procedures (new Section 236.1);

Pilot and Inland Pilot Training Curriculum (Section 215) to revise the training cycle from 3 to 5 years.

The motion was seconded. Commissioner Miller asked for comments from the public and discussion. The Board discussed the best date for the Hearing and proposed a hearing date to coincide with the Board’s July meeting, assuming the rulemaking package and OAL approval can be completed in time for the statutory public comment period. There was no further discussion. The motion passed unanimously.

Commissioner Wainwright continued that Pilotage Rate Setting Process (Section 236) is being reviewed and that more Committee meetings are needed to finalize the Committee's recommendation.

Commissioner Wainwright noted that Procedures to Determine Number of Pilots (Section 237) awaits input from the Pilot Power Committee and will remain on the agenda.

4. Finance Committee -- Commissioner Wainwright -- report on April 26, 2007 Committee meeting including review of/possible recommendations for adjustment in (a) **Board Operations Surcharge** (current 2.1%, increasing to 2.4% - eff. 7/1/07); (b) **Pilot Training Surcharge** (currently \$20/move, increasing to \$30/move - eff. 7/1/07), and (c) **Trainee Training Surcharge** (currently \$9/move/trainee - eff. 2/1/07); **possible Board action re same**

Commissioner Wainwright reported that the Committee met today and reviewed the above noted surcharges and that all current and projected expenses and revenues relative to all surcharges are within range. There is no recommendation to increase or decrease any of the surcharges.

Commissioner Wainwright reported that action on the Spring Finance Letter is on track and that final approval is anticipated within the next month.

5. Pilot Training Curriculum Committee -- Commissioner Wagner -- report on MITAGS contract expiration date of June 30, 2007 -- request to extend the MITAGS contract for two years to accommodate new pilots that have not attended this training to remain consistent with training completed by the SFBP in the last three years; **possible Board action**

Commissioner Wagner reported that the SFBP has requested rulemaking to change the Pilot and Inland Pilot Training Curriculum (Section 215) to revise the training cycle from 3 to 5 years. In the interim it is requested to extend the MITAGS contract for two years to accommodate new pilots that have not attended this training to remain consistent with training completed by the SFBP in the last three years. It was moved and seconded to direct Board staff to prepare the necessary contract amendments with MITAGS for FY07/08 and 08/09 to extend the 3-year mandated training to accommodate new pilots that have not attended this training to remain consistent with training completed by the SFBP in the last three years. Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.

6. Pilot Evaluation Committee -- Capt. Roberts -- Report on April 18, 2007 Committee meeting, status of trainees and of preparation for possible trainee selection examinations in August 2007; status of contracting with three additional trainees to begin July 1, 2007 (pending approval of Spring Finance Letter/expenditure authority); **further Board action if needed.**

Executive Director Moloney reported that the Committee met April 18, 2007 and that all trainees are progressing well. The PEC held workshops April 24 and 25 for the upcoming written test with the contractor Comari, Drs. Hertz and Chinn. Various workshops are scheduled at CMA to finalize the simulator test.

7. Pilot Power Committee -- Commissioner Wagner said there is no report.
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 that the Board staff continues to work with Sacramento on contracting procedures.
9. Vessel Interactions -- Executive Director Moloney said there is no report.
10. Pilot Security -- Commissioner Miller -- said there is no report
11. Pilot Identification Cards -- Executive Director Moloney -- status of federal proposal for Transportation Worker Identification Credential (TWIC), obtaining a more substantial Pilot I.D. card. Executive Director Moloney referred to Commissioner Lundeberg who reported that the federal TWIC is delayed and that combining the TWIC and the current Merchant Mariners Document is being considered in possible legislation. There may also be a hearing on the timeliness of Homeland's Security's efforts to produce the TWIC.
12. Ad Hoc Committee on Pilot Safety -- Commissioner Soares -- this was reported under SFBP Port Agent report above.
13. Pilot Vessel Advisory Committee -- Capt. Bill Figari -- report on results of April 23, 2007 Committee meeting, possible recommendation in response to SFBP request for "necessity" determination regarding acquisition of replacement boat for P/V DRAKE and regarding proposal for life extension modifications to P/V GOLDEN GATE; **possible Board action re same**

Commissioner Miller referred to Board Counsel Paetzold who reported that the Committee met April 23, 2007 and discussed the request for necessity and determination regarding acquisition of replacement boat for P/V DRAKE and proposal for life extension modifications to P/V GOLDEN GATE. The Committee requested a survey of the P/V DRAKE and various reports on the P/V GOLDEN GATE to review at the next Committee meeting. The next Committee meeting is scheduled for May 14, 2007

New Business

1. Board office relocation -- lease terminated as of May 31, 2007 -- this was reported under correspondence.

2. Public Comment on matters not on the agenda -- Commissioner Miller reported that he attended the UPRR Bridge Natural Working Group on April 25, 2007. SFBP Captain Chadwick and past Commissioner Falaschi were presented awards for their work in this group.

SFBP Port Agent Captain McIsaac commented that *Captain Bob Pinder* also attended the meeting and that there is a concern with the new procedure to close the UPRR Bridge when winds are 35Kts and more. He reported an incident that occurred when the bridge was closed and a downbound vessel had not been notified of the closure, creating an obvious safety concern. The pilot noted that other wind speed readings in the vicinity had reported considerably lower speeds (well below 35 mph). (SFBP understands that the wind speed was measured by the bridge operator using a handheld device.) Commissioner Miller asked SFBP to continue communication with the UPRR Bridge personnel and report at the next Board meeting.

3. Proposals for additions to next month's agenda -- there were none.

Schedule next regular meeting -- Due to the upcoming office relocation the new Board meeting schedule is tentatively as follows:

Thursday	May 17, 2007	BOPC Office Pier 9, Suite 102	(previously 5/26)
Thursday	June 21, 2007	Port of San Francisco Bayside Room 1	
Tuesday	July 24, 2007 + Hrg	Port of San Francisco Bayside Room 1	(previously 7/26)
Thursday	August 23, 2007	Port of San Francisco Bayside Room 1	
Tuesday	September 25, 2007	Port of San Francisco Bayside Room 1	(previously 9/27)
Thursday	October 25	Port of San Francisco Bayside Room 1	
Tuesday	November 13, 2007	Port of San Francisco Bayside Room 1	(previously 11/15)
Thursday	December 13, 2007	Port of San Francisco Bayside Room 1	

Adjournment -- The meeting was adjourned at 12:00 noon.

Respectfully submitted,

Alice A. Evans
Secretary