

## **Minutes June 21, 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 June 21, 2007, Commissioner Miller presiding. A quorum was present including Commissioners Lundeborg, Osen, Soares, Tate, 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 May 17, 2007 regular Board meeting. Change to page 4 - para. under Recommendations 1., line 2: ~~The water vessel's responsive, depth~~ change to: *The vessel's responsive, water depth...* and change the word ~~was~~ to were. The minutes were unanimously approved as amended.

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

1. The Board received a letter dated June 1, 2007, from Assemblyman Juan Arambula, Chair, Assembly Budget Subcommittee #4 - request for Copies of Performance Audits.
2. The Board forwarded a letter dated June 18, 2007, to Assemblyman Juan Arambula, Chair, Assembly Budget Subcommittee #4, regarding the request for Copies of Performance Audits.

Other Pilot Matters -- Executive Director Moloney

1. There are no license renewals during the month of June.
2. The Board received manpower reports and statements for Pilotage fees and surcharges collected from SFBP and Inland Pilot through April 2007.

Port Agent's Report -- SFBP Captain Peter McIsaac

1. NFFD: Captain Simenstad was FFD as of June 1, 2007. Captain Plant is NFFD while being treated for a condition not related to piloting; Captain Atthowe suffered a severe leg contusion on June 11 while disembarking at sea. He is expected to be FFD June 23; Captain Frank Hoburg is recovering from a June 6 surgery. He expects to be FFD on July 12.
2. P/V CALIFORNIA collision: At 1000 hours on June 15 the P/V CALIFORNIA had a steering control malfunction that caused the boat to land heavy on the Chevron tanker CIGNUS VOYAGER. The pilot transfer was already complete and the boat was peeling off the hull. As the operator put the rudder control hard to starboard the rudder responded by going hard to port. The boat landed heavy just forward of the pilot ladder damaging the bow of the boat and leaving an indent approximately 5 feet long in the hull of the CIGNUS VOYAGER. The CALIFORNIA suffered damage to the port bow that will require repair during its scheduled yard period later this summer. Two crewmen were slightly injured when they were thrown into the bulkhead unexpectedly. The steering problem was caused by a

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failure of a mechanical stop in the non-follow up controller. It has been replaced and all the other controllers have been checked.

2. Hazard to Navigation: In May an electronic billboard near the Bay Bridge toll plaza was creating a blinding hazard to vessels navigating through the Oakland Bar Channel at night. The dimming control mechanism had failed and has since been repaired. While it continues to be an annoyance, it no longer presents a hazard.

Assemblywoman Fiona Ma has a bill, AB 830, that would allow existing billboards to be converted to electronic displays. We have asked her to amend the bill to take safety of maritime navigation into consideration. If it is not amended we will strongly oppose it and ask others in the maritime community to oppose it as well.

3. Recommended Minimum Rest Period Exceptions: There were 39 in May. 20 occurred on May 7 when 2 pilots were NFFD and 2 were training, the MRP was 5.7 hours; 6 occurred May 8, the MRP was 9.3 hours; 7 occurred on May 11 when 3 pilots were training, the MRP was 7.5 hours; 2 occurred May 12, the MRP was 9.7 hours; 4 occurred on May 23 when 3 pilots were pulled for pilot business and 2 were NFFD.
4. Pilot Vessels: The P/V GOLDEN GATE was out of service from June 1 - 8, after the S.M.E. dropped a valve. The engine had been overhauled in April of last year.

The P/V DRAKE suffered a P.M.E. failure on June 5 when it dropped a valve, which damaged the head, piston and liner. The engine had been recently rebuilt and had less than 100 hours on it when the new part failed. Due to the age of the engine a replacement head was hard to locate but it is on site now and we expect the boat to be back in service by June 22.

5. Billed vessel moves through May 2007 compared to 3-year average:

Bar Crossings:	+8%
Bay Moves:	+10%
River Moves:	+4%
Total Moves:	+8%
GRT:	+17%

When compared to first 5-months of 2006 total moves are down 3% and GRT is up 2%.

#### Unfinished Business

1. Board office relocation -- Executive Director Moloney reported that the Board parameters were submitted to the Sacramento Real Estate office to pursue another location. Signature Yachts continues to offer a month-to-month lease. It is unknown at this time when the new location will be located and ready for the office to move.

2. Open Incidents -- Executive Director Moloney

- a. M/V BELLE AYURA, grounding Beacon 5 Mandeville Reach, San Joaquin River, February 28, 2007 -- Executive Director Moloney distributed the Findings of Facts and gave the following report:

PROBABLE CAUSE

At 1052 on the morning of 28 February 2007, Capt Slough boarded the motor bulk freighter BELLE AYURA off the city front to pilot it to Stockton. He relieved bar pilot Capt Lemke who noted that the vessel had been sluggish responding to rudder orders.

The transit through San Francisco and San Pablo Bays was uneventful. As the vessel was transiting Carquinez Strait Capt Slough reduced speed down to slow ahead. As the speed came down the vessel began to sheer. It was loaded to an even keel but with full bodied vessels making headway it was squatting with the bow down, causing directional instability. Capt Slough countered the problem by using maximum rudder and kicking the engine to half ahead.

At 1518 the vessel passed New York Point and entered the San Joaquin River. At 1830 speed was reduced to half ahead in preparation for making the turn at Prisoners Point and entry into the Mandeville and Venice Cuts of the Stockton Ship Channel. Half ahead was maintained to keep steerageway and prepare for crossing the San Joaquin River between the Mandeville and Venice Cuts. At 1850 after entering Venice Cut speed was reduced to slow ahead in preparation for making the turn at Burns Reach. Vessel speed was observed to be 6.2 knots by GPS. Shortly thereafter the vessel experienced bank suction on the port quarter, causing it to sheer to starboard.

Capt Slough ordered hard left and half ahead. The engineroom failed to answer the half ahead order. The bank suction was broken by the left rudder but the vessel remained on the starboard side of the 225 foot wide channel. Capt Slough anticipated bank suction on the starboard quarter and at 1852 ordered slow ahead so he could use a speed increase to break it.

Almost immediately the vessel experienced bank suction on the starboard quarter and sheered to port. Capt Slough ordered hard right rudder and half ahead. This failed to check the sheer so he ordered full ahead. The slow engine response and having the ebb current working on the starboard bow prevented the maneuver from countering the sheer. At 1854 the vessel's bow grounded in soft mud just upstream of Stockton Channel Light #5.

Immediate attempts were made to back the vessel off the bank but were unsuccessful. Capt Slough notified VTS and requested tug assistance from Stockton. The tugs *Angie Brusco* and *Julius Brusco* arrived at 2052. The *Angie* was made up on the starboard bow with a towline and the *Julius* on the port quarter with a headline. By twisting the vessel with the tugs and backing the vessel's engine it was successfully refloated at 2110. The remainder of the transit to Stockton was uneventful, with the vessel docked alongside the M/V GOLDEN ARROW I at 0124.

## OPINIONS

1. Human factors in Capt Slough's case were not an issue. At the time of the grounding he was not fatigued. He was not under time constraints to make an arrival and environmental conditions were routine. Human factors on the vessel did have some bearing on the incident. In interview Capt Slough noted that he had to repeat orders to the mainland Chinese crew. There were numerous discrepancies between the bridge and engineroom bell books.
2. The vessel was new (2 years old) but lacked state of the art equipment. The basic bridge configuration was comparable to a 1960-70 vintage U. S. vessel. Capt Slough was at ease with the configuration but noted that to use it effectively it needs a well trained crew. He noted a lack of bridge resource management skills as witnessed by the differences in the engine order recordings and his own recollections of orders he gave.
3. Capt Slough's description of the minutes prior to the grounding and his actions in preparation for the anticipated effects of current demonstrated a familiarity with the area and a readiness to deal with the currents.

Capt Slough's claim to have given a half ahead order in conjunction with the hard left order to break the port quarter bank suction is consistent with his other maneuvering and should have brought the vessel to mid channel. The lack of a record in the bell book indicates the engineroom may never have received the order or did not respond to it.

4. The proximity of the vessel to the starboard bank of the channel caused another bank suction, which Capt Slough had anticipated and reduced speed to counter. When it occurred, slow engine response and the ebb current getting under the starboard bow of the vessel propelled it across the channel into the opposite bank.
5. Capt Slough's post grounding actions were good. He immediately attempted to dislodge the vessel using the engine. Deck and engine bell books here again show significant discrepancies. When he could not refloat the vessel he advised VTS and called for the docking tugs from Stockton. The vessel was later refloated with tug assist and docked uneventfully.

## RECOMMENDATIONS

1. Close this case. No pilot error. The vessel was sluggish but that is normal on this route. Language issues may have been a factor. Capt Slough had to repeat orders on a number of occasions. A critical order does not appear to have been passed to the engineroom. The bridge and engineroom bellbooks do not coincide well; the engineroom book having many more entries than the bridge book.

Capt Slough's anticipation of what effects the current would have, was spoiled by lack of vessel response.

It was moved and seconded to accept the IRC report. Commissioner Miller asked for comments from the public and discussion. The water depth in the area of the grounding, logbook discrepancies and problem with English language were discussed. It was noted that when a vessel is loaded evenly fore and aft that it is less maneuverable. There was no further discussion and the motion passed unanimously.

3. Pilot Ladder reportable incidents -- Executive Director Moloney said there is no report.
4. Rules and Regulations Committee -- Commissioner Wainwright -- status of formal rulemaking on pension plan, pilot vessel surcharge and extension of training cycle to 5 years. Commissioner Wainwright reported that the formal rulemaking package on the pension plan, pilot vessel surcharge and extension of training cycle to 5 years was received by OAL and has been published in the rulemaking register. The hearing date is July 24, 2007 directly after the Board meeting. The venue will be changed to the current Board office, Pier 9, Suite 102 and a notice will be sent regarding the change in venue.

The next Rules and Regulations Committee meeting is scheduled for July 18, 2007 at 9:00 a.m. [subsequently moved to 1:00 p.m.] Commissioner Soares will be out of town. Mr. Mike Jacob, PMSA, will participate as the Industry representative.

5. Finance Committee -- Commissioner Wainwright said there is no report.
6. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
7. Pilot Evaluation Committee -- Capt. Roberts -- report on May 23 and June 20 PEC meetings -  
- 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.**

Port Agent Captain McIsaac reported on behalf of acting Chair Capt. Gates that the Committee met May 23 and June 20 and that all trainees are progressing very well. Most of the January 1st group is close to completing testing for unlimited pilotage over the entire bay and rivers. The trainees in April 1st group are making good progress in completing the required trips and are beginning to test for license endorsements in the lower bay.

On July 2, 2007 the PEC will conduct orientation for 3 new trainees. The entry of these 3 trainees into the program exhausts the current list of qualified candidates. This will bring the number of trainees currently in the program to 11.

The development of the next test is proceeding as planned. The deadline for applications has passed and Captain Moloney is conducting a review of all that have been submitted. The written test is in the final stages of development and the simulator exam is also close to

completion. The PEC has begun selecting the outside evaluators required for the simulator exam.

8. Pilot Power Committee -- Commissioner Wagner reported that Board staff would send out a new retirement survey as soon as the next Pilot Power meeting is scheduled. The meeting was subsequently scheduled for July 17, 2007 at 2:00 p.m. in the Board office.
9. Pension Committee -- Commissioner Miller -- Report on status of request for offer/proposal to provide fiduciary services and for actuarial study; **possible Board action if needed**

Commissioner Miller reported: "Currently the Board receives monthly reports showing total amounts billed by the SFBP under the Pension Surcharge, the expenses of the plan and a breakdown of payments of pension benefits.

As part of the process to work towards the use of a third party contractor to act as fiduciary, we have explored the expansion of the current annual audit of the SFBP financials to include an audit of the revenues, benefits paid and expenses of the statutory pension plan.

On June 6, 2007, we met with Capt. McIsaac, Mike Jacob and Rick Ellwood of the CPA firm of Shea Labach Dobberstein, which conducts the current annual audit and concluded that an expansion of that audit to include revenues and payments under the pension plan would be feasible and cost effective.

I propose that the acting fiduciary be directed to contract with the CPA firm conducting the current audit of SFBP to provide a separate annual report of revenues received through the pension surcharge under the San Francisco Pilot Pension Plan and of the amounts paid out to beneficiaries and for the expenses of the plan as authorized under Harbors and Navigation Code Section 1161. The costs of the additional report would be an expense of the plan to be recovered through the surcharge and would be shown on the annual audit report."

It was moved and seconded to direct the acting fiduciary to contract with the CPA firm conducting the current audit of the SFBP to provide a separate annual report of revenues received through the pension surcharge under the San Francisco Pilot Pension Plan and of the amounts paid out to beneficiaries and for the expenses of the plan as authorized under Harbors and Navigation Code Section 1161. Commissioner Miller asked for comments from the public and discussion. There was no further discussion. The motion passed unanimously.

Separately, Commissioner Miller proposed to allow a year of experience with this audit before proposing regulations for such an audit. There were no objections or further comments.

10. Vessel Interactions -- Executive Director Moloney said there was a report from several pleasure craft in the San Joaquin River that experienced vessel interaction. A report will be made at the next meeting.

11. Pilot Security -- Commissioner Miller said there is no report.
12. Pilot Identification Cards -- Executive Director Moloney -- status of federal proposal for Transportation Worker Identification Credential (TWIC), obtaining a more substantial Pilot I.D. card. It was noted that the TWIC continue to be on hold.
13. Ad Hoc Committee on Pilot Safety -- Commissioner Soares said there is no report. Port Agent Captain McIsaac reported that SFBP Captain Hartshorn attended a safety course in LA and that a man overboard drill will be conducted later this year with participants from LA.
14. Pilot Vessel Advisory Committee -- Capt. Bill Figari -- Commissioner Miller said there is no report.
15. UPRR Bridge -- Commissioner Miller/SFBP Port Agent McIsaac -- report on UPRR's plan to close bridge when winds exceed 35 mph, meetings by stakeholders to address concerns of upstream terminals, vessels and the railroad. SFBP Port Agent McIsaac reported that a meeting was held May 29 with the following attendees: Representatives of the Ports of Stockton and Sacramento, US POSCO, Tesoro, VTS, USCG Bridge District, and NOAA. It was agreed to use knots instead of mph for the wind speed criteria, and to install a PORTS wind sensor at the bridge. National Weather Services will provide a history of weather data. For now, the bridge tenders will open bridge if request is acknowledged before wind is determined to exceed the limit. Another meeting will be scheduled after the bridge study is completed.

#### New Business

1. M/V SOVI R/9HSQ8, grounding 0.8 mi Northeast of New York Point, June 13, 2007 -- Executive Director reported that this is under investigation.
2. Proposal to adopt regulation requiring annual audit report of revenues, benefits paid and expenses of San Francisco Pilot Pension Plan. This item was addressed under Item 9. above.
3. Public Comment on matters not on the agenda

Commissioner Miller noted that during the Budget Hearings he was asked to testify before the Subcommittee that has an interest in diversity of the SFBP. There was no specific request, however he has decided to form an Ad Hoc Advisory Committee on Pilot Selection. Commissioner Ben Tate will chair the Committee. CMA President Bill Eisenhardt has agreed to be a member. The mission statement of the Committee is as follows:

(1) Examine current racial, ethnic and gender diversity of pilots licensed by the Board and any differential from the general population (of the state of California); (2) identify the pool of potential applicants; (3) examine current racial, ethnic and gender diversity of the pool of potential applicants; (4) examine past and current selection procedures to determine whether they may have contributed to any identified differential in the racial, ethnic and gender diversity of those selected for pilot training; (5) develop recommendations for steps the Board

should consider which could reduce any identified differential in the racial, ethnic and gender diversity of pilot currently licensed by the Board.

4. Proposals for additions to next month's agenda

Mr. Mike Jacob, PMSA representative, who was in the audience requested that for the matter of good order, the recommendation of the Rules and Regulations Committee regarding "misconduct" should be acted upon by the Board. The history of whether to define "misconduct" and the Rules and Regulations Committee's discussions and report on this item were reviewed. The Board will add this item to next month's agenda for vote.

Schedule next regular meeting -- the next Board meeting is scheduled for July 24, 2007 at 9:30 in the Board office, Pier 9, Suite 102, San Francisco, CA. The Finance meeting will be at 8:45 a.m. and the rulemaking Hearing will begin immediately after the Board meeting (approximately 10:30 a.m.).

Adjournment -- the meeting was adjourned at 10:55 a.m.

Respectfully submitted,

Alice A. Evans  
Secretary