

**Minutes**  
**June 18, 2008**

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 9:40 a.m. on Wednesday June 18, 2008, Commissioner Tate presiding. A quorum was present including Commissioners Johnston, Osen, Soares and Wainwright. Also present were SFBP Port Agent Captain McIsaac, Board Executive Director Moloney and Secretary Alice Evans. Board Counsel Paetzold was available on speaker phone.

Request approval of Minutes of the April 24, and May 22, 2008 regular Board meetings. The minutes were unanimously approved.

Vice President Tate noted he would chair the meeting in the absence of President Miller.

President's Report -- Commissioner Tate said there is no report.

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

1. The Board forwarded a letter dated June 11, 2008 to SFBP Captain Hartshorn regarding his retirement benefit under the Harbors and Navigation Code San Francisco Pilot Pension Plan.
2. The Board forwarded a letter dated June 11, 2008 to Michael C. Genest, Director Department of Finance regarding Financial Integrity and State Manager's Accountability Act of 1983.
3. The Board forwarded a letter dated June 13, 2008 to Tyler Pon, Esq., Office of the Attorney General, documentation concerning the M/V COSCO BUSAN allision with the San Francisco-Oakland Bay Bridge.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewal to SFBP Captain Hurt during the month of June.
2. The Board received manpower reports and statements for pilotage fees and surcharges collected from SFBP through April and Inland Pilot Captain Slough through May 2008.

Port Agent's Report -- SFBP Captain Peter McIsaac

1. NFFD:  
Captain Morgan Hoburg is NFFD while being treated for a thyroid condition.  
Captain Pinder injured his back while disembarking from a vessel in March. He is undergoing physical therapy and hopes to be given a FFD July 2.  
Captain Sweeney broke a bone in his shoulder on April 11. As reported last month the fracture extends into the shoulder socket so his return to duty has been pushed back. His next examination is July 29.

Captain Wagner is being treated for a condition not related to piloting. She is expected to be FFD soon.

Captain Atthowe injured his back on May 19. He is being evaluated but is expected to be FFD June 27.

Captain Chapman had knee surgery on May 21. He is expected to be NFFD for four weeks.

2. Recommended Minimum Rest Period Exceptions:

There were 44 in May: 3 occurred on May 2, with 1 pilot NFFD; 24 pilots were on the board. 25 occurred on May 17 with 2 pilots NFFD; 1 pilot on bereavement leave; 22 pilots were on the board. (The MRPs were exacerbated by the short board but the primary cause was a large number of vessel moves, including river moves and upriver tanker moves, both, of which are manpower intensive.) 1 occurred on May 22 with 5 NFFD, 2 pilot business; 20 pilots were on the board. 3 occurred on May 27 with 5 NFFD and 1 suspended 22 pilots were on the board. 8 occurred on May 28 with 5 NFFD; 22 pilots were on the board. 2 occurred on May 30 with 2 NFFD and 1 on comp; 22 pilots were on the board. 2 occurred on May 31 with 2 NFFD and 1 on comp; 22 pilots were on the board.

The shortest MRP exception was 5.2 hours while the average was 9.5 hours. Captain McIsaac explained that comp time is provided to compensate a pilot who comes in on his time off and works.

3. Rio Vista Bridge: On April 30 Captain Larry Teague was piloting the M/V GLOBAL PIONEER from Sacramento to Anchorage 9. The Rio Vista Bridge experienced a last minute electrical malfunction and was unable to open. Using the engine and both anchors Captain Teague was able to stop the vessel 0.33 NM from the bridge averting a potential disaster. In his statement of fact Captain Teague credited the bridge tender, vessel crew and the emergency shiphandling training the pilots receive as all contributing to a successful outcome. Captain McIsaac added that in his opinion, superior shiphandling played a role as well.

4. Boat Report: The P/V GOLDEN GATE life extension project has run into additional problems. To ensure the hull is viable for at least 15 more years additional design, engineering and structural components were required. That and other hull modifications have pushed the original completion date back about six weeks to mid-July.

The new boat project is on schedule with a signed construction contract with Foss Shipyard in Rainier, Oregon. Expected delivery is by June 2009.

5. Billed vessel moves through May 2008 compared to 3-year average:

Bar Crossings:	Flat
Bay Moves:	+6.5%
River Moves:	-24.6%
Total Moves	Flat
GRT:	+4.6%

When compared to the first five months of 2007 total moves are down 2.7% and GRT is down 1.2%.

## Unfinished Business

1. Board office lease -- Executive Director Moloney said there is no report.
2. Open Incidents -- Executive Director Moloney
  - a. M/V COSCO BUSAN, allision while underway with Bay Bridge, November 7, 2007, SFBP Captain John Cota - report on status of scheduling hearing (currently September 2, 2008); report on June 6 status conference. Executive Director Moloney said there is no change to the hearing date
  - b. M/V MORNING CHARM, allision Benicia Berth 2 while docking, February 21, 2008, SFBP Captain Chapman

Further investigation in progress.

- c. M/V TU QIANG, allision, Richmond, Parr 5A, while undocking March 25, 2008, SFBP Captain Boriolo -- Executive Director Moloney read the following Findings of Facts:

Preliminary statement: On the morning of 27 March 2008, the Board of Pilot Commissioners received word of an allision between the bulk freighter TU QIANG and the Richmond berth Parr 5A. The pilot was Captain Daniel Boriolo. The incident occurred on March 26. The incident was reported by Port Agent Captain Peter McIsaac to the Executive Director by telephone. Board Investigator Captain William Figari was assigned to the case and began the investigation that morning.

The Incident Review Committee (IRC) consists of Commissioner Frank Johnston and Executive Director Patrick Moloney. The IRC reviewed the investigator's report and interview with the terminal operator and pilot. After determining that this was a normal undocking involving no pilot error and no pier damage, the IRC exercised its discretion authorized by section 210(b) of the Board regulations, to declare this case to be a non-incident.

Findings of Facts: The TU QIANG is a bulk freighter of 25,965 grt, 609' x 101'. The vessel was moored starboard side to berth Parr 5A in Richmond. The tugs involved were the RESOLUTE (78 ton bollard pull) and GOLIAH (65 ton bollard pull). Both are Z-drive tractor tugs owned by Crowley Maritime. GOLIAH had a line up to the stem; the RESOLUTE was on a hawser to the stern. The weather was fine and clear and not a factor. The tide was rising but in that part of Richmond Harbor there is negligible current.

Captain Boriolo used the tugs to pull the vessel off the dock. The RESOLUTE took a strain first and pulled the stern out. The GOLIAH's line fouled the anchor and it took some time to straighten out. This caused the vessel to pivot and lay the forward midbody against the pilings until the GOLIAH was able to take a strain on its line.

The pier supervisor heard the wooden dock groaning under the pressure, and saw it flexing. He reported it to the pilot who asked the tug on the bow if the operator could see any damage.

He responded that he could not see any from his position. After the vessel was clear Captain Boriolo asked GOLIAH to check the vessel's side for marks. There were none. The pier supervisor reported the situation to the terminal operator, who then reported it to the port agent. The commission investigator was assigned immediately after the Board was notified.

That afternoon the Port Agent contacted the terminal operator, but he had not been down to the pier. Later the Port Agent contacted him again and was told that there was no damage. The Board Executive Director contacted the terminal operator for more information and was told there was no new damage to the pier. There was pre-existing damage. They did not consider it an incident. The terminal is a part of one of the World War II Kaiser shipyards.

Recommendation: This was a normal undocking. While the fouling of the forward tug's line caused a brief delay in pulling the bow out, it did not result in abnormal forces being placed on the pier facing or pilings. The flexing and groaning reported by the pier supervisor is not unusual for an old World War II era pier such as this one. The fouling of the tug's line was not the result of pilot error and the brief delay in applying equal strain between bow and stern was not enough to warrant a change to the pilot's undocking plan. The IRC considers this a non-incident for piloting purposes.

It was moved and seconded to accept the IRC report. Commissioner Tate asked for comments from the public and discussion. Port Agent Captain McIsaac confirmed his discussion with the terminal operator that there was no new damage to the pier. The motion then passed unanimously.

- d. ex-USS TRIPOLI, allision, Ocean Marine Terminal while docking, April 4, 2008 -- Executive Director reported this incident is under investigation.
3. Vessel Interactions -- Executive Director Moloney
  - a. M/V STAR ISOLDANA/GOLDEN ARROW, Stockton, Berth 10, June 1, 2008 -- Executive Director Moloney reported this incident is under investigation.
4. Pilot Ladder reportable incidents -- Executive Director Moloney reported that SFBP Captain S. Teague reported the USS ANTIETAM on May 27, 2008 that a rung on the pilot ladder, mid-way down ladder, was not close to horizontal position and distributed a photo. The IRC reporting procedure was discussed and it was requested that the IRC inform the Navy of this incident as soon as possible.
5. Rules and Regulations Committee -- Commissioner Wainwright said there is no report.
6. Finance Committee -- Commissioner Osen -- report on June 18, 2008 meeting -- possible recommendation to adjust **Pilot Vessel Surcharge** rate (currently 6.05 mils effective January 1, 2008) if warranted; **possible Board action re same**

Commissioner Osen reported that the Committee met June 18, 2008 and reviewed the Board Fund condition, SFBP Income and Expense and the main topic of discussion was the P/V Surcharge Rate. He referred to a detailed report by SFBP Business Director, K. Levin, which

provided the data, assumptions and calculations to arrive at a proposed increase in the Pilot Boat Surcharge Rate to bring the reserve to the recommended three months level of about \$365K (3 times the monthly principle and interest payments of \$121.5K on the existing station boats) and make up for the reduced surcharge income resulting from the delay in collections following an increase in the rate last January. Assuming the GRT rate for the second half of 2008 is the same as what it was in the first half, a surcharge rate of \$7.03 per 1000 GRT would achieve that goal and ensure a healthy reserve for the anticipated expenses for the service life extension modifications currently being made to the P/V GOLDEN GATE. (A copy of the full report is available from the Board.)

Finance Committee recommendation: Recommend to the BOPC to increase the pilot vessel surcharge from the current value of \$6.05 per 1000 GRT to \$7.03 per 1000 GRT effective July 1, 2008.

It was moved and seconded to accept the Finance Committee recommendation to increase the pilot vessel surcharge from the current value of \$6.05 per 1000 GRT to \$7.03 per 1000 GRT effective July 1, 2008. Commissioner Tate asked for comments from the public and discussion. There were no comments and no discussion. The motion passed unanimously.

7. Pilot Training Curriculum Committee -- Commissioner Wagner -- Commissioner Tate said there is no report.
8. Pilot Evaluation Committee -- Capt. Roberts -- report on June 17, 2008 meeting; possible recommendation to appoint Pilot Evaluation Committee member; possible recommendation to place one or more trainees on probation and/or to issue Certificate of Completion and license to one or more trainees if warranted; if there is a recommendation to place a trainee on probation, it may be heard and considered in closed session as authorized by Government Code Section 11126(a)(1); **possible Board action re same**

SFBP Captain Roberts reported that the Pilot Evaluation Committee met on June 17th, 2008. All trainees were interviewed individually, their trip cards examined, and their progress with all elements of the program monitored. The trainees range in time in the program from (2) @ 6 months, (3) @ 12 months, (2) at 1 year and 3 months, and (2) @ 1 year and 6 months. All trainees are proceeding satisfactorily and at their own speed. The PEC received a letter of resignation from Captain Thomas Evans from the Board's pilot trainee training program dated June 9, 2008. He cited personal reasons.

The PEC received a letter of resignation effective May 21st from Captain Tom Miller from his position as PEC member. The PEC would like to thank Captain Miller for his commitment to training and his excellent service.

In the last month the PEC has canvassed interested pilots with at least 10 years service to serve on the PEC. The PEC recommends SFBP Captain Dan Larwood to fill Captain Miller's position on the PEC, Captain Larwood, Age: 45, native Californian, 1984 Graduate California Maritime Academy, Coast Guard License - Master of Steam or Motor vessels of any gross tons upon oceans; Master of Towing vessel upon oceans and Western Rivers; First Class Pilot

of vessels of any gross tons upon the waters of San Francisco Bay from sea to and between the Dumbarton Bridge, Stockton, Sacramento; First Class Pilot of vessels of any gross tons from Sea to Monterey Bay; First Class Pilot of vessels of any gross tons upon the waters of Prince William Sound between Cape Hinchinbrook and Rocky Point, Alaska.

Captain Larwood was raised in Dana Point, Ca. He started his sea going career at the age of 12 and worked for 6 years as a deck hand aboard sport fishing boats from Dana Point Harbor. After graduating from CMA, Captain Larwood progressed from 3<sup>rd</sup> Mate to Master aboard 80,000 DWT crude oil tankers. These vessels traded primarily between the West Coast and Alaska with occasional voyages to the Middle and Far East. From 1984 to 1991 he served a 6-year commission in the United State Navy, Merchant Marine Ready Reserves. Between 1991 and 1993, Captain Larwood came back to the Bay Area and worked as a tug captain for Crowley Maritime Services. This work consisted of ship assists and barge movements in the Bay Area. During this time Captain Larwood also worked contractually with Exxon Corporation as Pollution and Safety Control Representative aboard vessels calling on its Benicia facilities. From 1993 to 1995 Captain Larwood returned to oil tankers with Arco Marine. He was hired as Third Mate and was quickly promoted to Chief Mate, then Master within the Arco Fleet. From 1995 to 1998 Captain Larwood apprenticed in the San Francisco Bar Pilot/ Board of Pilot Commissioners Pilot Training Program. On July 1<sup>st</sup> 1998 he was licensed as a San Francisco Bar Pilot. Captain Larwood has worked as Operations Pilot since 2004.

In November 2007 Captain Larwood was elected to the Board of Directors for the San Francisco Bar Pilots. Captain Larwood will meet the statutory requirement of being licensed as a San Francisco Bar Pilot for 10 years as of July 1<sup>st</sup> 2008.

On behalf of the Pilot Evaluation Committee, I would like to recommend that the Board appoint Captain Dan Larwood to fill the vacancy in the Board's Pilot Evaluation Committee effective July 1, 2008.

It was moved and seconded to accept the PEC report and recommendation to appoint Captain Larwood to fill the vacancy on the Board's Pilot Evaluation Committee effective July 1, 2008. Commissioner Tate asked for comments from the public and discussion. There were no comments and no discussion. The motion passed unanimously.

Captain Roberts continued with the PEC's report:

“The PEC completed a final assessment of whether trainees Captains Dustin Slack and Joe Long have successfully completed all elements of the Board's Regulations in Section 214. (A copy of that regulation is before you).

The Committee unanimously agreed on its conclusion and has authorized me to present its recommendations to you at today's meeting.

**Captain Dustin Slack**

Captain Dustin Slack was born and raised in Marin County. He graduated from California Maritime Academy in 1992, acquiring a Degree in Business with an emphasis on Intermodal Transportation.

Captain Slack holds an unlimited tonnage Chief Mate's license on any Ocean with a 1600 Master of Towing, and Unlimited Pilotage for San Francisco Bay.

Prior to entering the Board's pilot trainee training program in April 2007, Captain Slack spent 15 years in various maritime capacities, including, sailing as Master of tractor and conventional harbor tugs for Foss Maritime, Starlight Marine and Westar Marine. He also sailed third, second, and chief mate for Dyn Marine, Scripps Institute of Oceanography, Keystone Tankers, Matson and APL.

Captain Slack and his wife Melissa, reside in Petaluma along with their 14-year-old daughter Ashley, and 11-year-old son Ryan.

His activities include surfing, mountain biking, triathlons, adventure racing and music.

To date, Captain Slack has a total of 391 trips in the training program, riding as observer on 108 jobs, (including the required trips on local tugboats) and directing the navigation of the vessel under the direct supervision of a pilot or inland pilot on another 283 jobs.

Captain Slack has worked extensively with members of the Pilot Evaluation Committee, acquiring more than the 50 rides required by law (66), with 19 of those rides completed within the last 90 days.

### **Captain Joe Long**

Captain Joe Long was born in Hawaii in 1976 and lived on the Big Island until 1990, when his family moved to California. After attending high school in central and Southern California, he went to the California Maritime Academy, graduating in 1998.

Upon graduation from CMA Captain Long held various positions in the fishing, research and ocean towing industry before settling in the Bay Area and starting a career on harbor tugs with Westar Marine in 1999. Captain Long worked his way up to Tug Master with Westar and was involved with ship assist and barge work in Stockton, Sacramento, Redwood City and all points in between. He also worked with Foss Maritime before returning to Westar and subsequently starting the Board's pilot trainee training program in January 2007.

Captain Long lives in Richmond with his fiancée, Dawn, who is an ICU nurse at Highland Hospital in Oakland.

His activities include: being on the water in boats (of course), fishing, and motorcycle road racing.

To date, Captain Long has a total of 394 trips in the training program, riding as observer on 126 jobs, (including the required trips on local tugboats) and directing the navigation of the vessel under the direct supervision of a pilot or inland pilot on another 268 jobs.

Captain Long has worked extensively with members of the Pilot Evaluation Committee, acquiring more than the 50 rides required by law (78), with 25 of those rides completed within the last 90 days.”

**Both**

As I have reported to you in the past, the Committee regularly reviews each trainee’s progress through periodic meetings with him and through its review of evaluation cards (trip reports) from other pilots. Each Committee member personally rode numerous times with Captains Slack and Long before making this recommendation.

Captains Slack and Long continue to meet all statutory prerequisites for being licensed as a pilot. They have maintained in excess of a 4.0 score (4.41 and 4.26 respectively) on their evaluations by the Committee during each of the last three months and have adequately demonstrated each of the specific items of local knowledge required by the regulation.

In addition the Committee used detailed trip reports and personal observation to ensure that Captains Slack and Long have 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 great pleasure to recommend that the Board issue to Captains Slack and Long a certificate of successful completion of the Board’s pilot trainee training program and that it authorize the issuance of a pilot’s license effective July 1, 2008.

It was moved and seconded to accept the PEC’s report and to issue a Certificate of Completion and a Pilot’s License to Captains Long and Slack effective July 1, 2008. Commissioner Tate asked for comments from the public and discussion. There were no comments and no discussion. The motion passed unanimously.

Commissioner Tate and Board and members of the audience extended their congratulations to Captains Long and Slack. The swearing in would take place immediately after the Board meeting.

9. Pilot Power Committee -- Commissioner Wagner -- Commissioner Tate said there is no report.
10. Pension Committee -- Commissioners Tate/Miller -- Report on status of requests for offer/proposals by third party contractors to provide actuarial study. Possible discussion on audit of 2007 receipts and disbursements with respect to the San Francisco Pilot Pension Plan

Commissioner Tate reported that Sacramento Contracts Department personnel continue to prepare documents for bidding by third party contractors to provide an actuarial study. There is no further action required by Board staff.

11. Ad Hoc Committee on Pilot Safety -- Commissioner Soares said there is no report.

12. Pilot Vessel Advisory Committee -- Captain Figari -- Executive Director Moloney reported that he and Commissioner Miller inspected P/V GOLDEN GATE and gave an overview of the extensive work being performed by Bay Ship and Yachts.
13. UPRR Bridge -- Executive Director reported that the SFBP Trainees would be focusing on the UPRR Bridge procedures at VTS.
14. Ad Hoc Advisory Committee on Pilot Selection -- Commissioner Tate report on June 6, 2008 Committee meeting -- possible recommendations from the Committee. Commissioner Tate reported that the Committee met June 6, 2008, and the Committee will meet again sometime in August to continue to look at the command time requirement. A person experienced in college apprentice programs to increase diversity will attend the meeting.
15. Navigation Technology Committee -- Commissioner Johnston reported that Board staff forwarded requested information from the last Board meeting to the Harbor Safety Committee.

New Business

1. M/V ST. NICHOLAS, allision with Parr 5A, Richmond while docking, June 13, 2008 -- Executive Director Moloney said this incident is under investigation.
2. Public Comment on matters not on the agenda -- Executive Director Moloney reported that the IRC and Commissioner Miller would meet in the near future with M. Thomas Clark, P.I., U.S. Department of Justice Office of Inspector General, Ret. to review the IRC investigation procedures.
3. Proposals for additions to next month's agenda

Schedule next meeting -- the next meeting is scheduled for July 24, 2008 at 9:30 a.m., Finance Committee at 8:30 a.m.

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

Respectfully submitted,

Alice A. Evans  
Secretary