

<p><b>Meeting Date:</b> <b>December 12, 2019</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 1 of 11</b></p>
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**Board Members Present**

Dave Connolly, President, Public Member  
 Captain Robert Carr, Pilot Member  
 Joanne Hayes-White, Public Member  
 David Hoppes, Dry Cargo Industry Member  
 Captain Einar Nyborg, Pilot Member  
 Captain Oscar Prada, Tanker Company Industry Member  
 Avital Barnea, Designee of the Secretary of the California State Transportation Agency (CalSTA)

**Board Members Absent**

Matt Brooks, Vice President, Public Member

**Board Staff Present**

Allen Garfinkle, Executive Director  
 Roma Cristia-Plant, Assistant Director  
 Dennis Eagan, Board Counsel  
 Alethea Wong, Administrative Assistant II

**Public Present**

Knute Michael Miller, Past Board President; Jennifer Schmid, Past Board President; Captain Joseph Long, San Francisco Bar Pilots (SFBP) President and Port Agent; Ray Paetzold, SFBP General Counsel; and Captain Anne McIntyre, SFBP Business Director.

**OPEN MEETING**

**1. Call to Order and Roll Call (President Connolly)**

President Connolly called the meeting to order at 9:32 a.m. Administrative Assistant II Wong called the roll and confirmed a quorum.

**2. Review and approval of Board meeting minutes (President Connolly)**

**Board action to approve the minutes from the Board meeting held on November 14, 2019.**

Board members were presented with the draft minutes from the meeting held on November 14, 2019. Commissioner Nyborg requested minor edits to the minutes. There was no further discussion.

**MOTION:** Commissioner Hayes-White moved to approve the draft minutes of the meeting held on November 14, 2019, as amended. Commissioner Prada seconded the motion.

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**VOTE:** YES: Connolly, Hayes-White, Hoppes, Nyborg, Carr, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

### **3. President Announcements and Activities (President Connolly)**

President Connolly thanked Board staff for their excellent work throughout the year.

### **4. Board Member Announcements and Activities (Board Members)**

Commissioner Hoppes reported that the Finance Committee met on December 11, 2019, that the Committee reviewed the Board’s financial statements for fiscal year 2019-20 as of October 31, 2019, and that the Committee determined there was no need to change any of the Board’s surcharge rates. He noted that the Committee anticipates recommending to the Board sometime next year to increase the Pilot Continuing Education Surcharge rate up to \$50/move, which is the rate the Committee projects will fully fund the annual budget for the Pilot Continuing Education Program, but noted that there is still sufficient fund balance to keep the surcharge rate at \$35/move.

### **5. Directors’ Report (Executive Director Garfinkle/Assistant Director Cristia-Plant)**

#### **A) Correspondence and activities since the Board meeting held on November 14, 2019.**

Executive Director Garfinkle reported the following:

- On November 22, 2019, Board staff received a copy of the Pacific Merchant Shipping Association’s *West Coast Trade Report* for November 2019.
- Also on November 22, 2019, he attended a Director’s meeting at CalSTA headquarters in Sacramento.
- On December 3, 2019, Board staff received a copy of the *Proceedings, Pioneers and Prodigies*, Special 2019 issue, a Coast Guard Journal of Safety and Security at Sea. He stated the journal highlighted the roles of pioneering women in maritime, including former Commissioner and Board-licensee Captain Nancy Wagner, and included a 1974 picture of her walking into the U.S. Merchant Marine Academy as part of the first class of women at a federal academy in the United States. He also noted that the journal contained an article on SFBP’s Business Director, Captain Anne McIntyre, and her pioneering career as a pilot for the Columbia River Pilots.
- On December 6, 2019, Board staff received an International Maritime Organization (IMO) press release noting that the IMO adopted a resolution entitled, “Preserving the Legacy of the World Maritime Theme for 2019 and achieving a Barrier Free Working Environment for Women in the Maritime Sector.”

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- Two pilots will be retiring at the end of December 2019.

**B) Report on pilot licensing matters since the Board meeting held on November 14, 2019.**

Executive Director Garfinkle reported that since the November 2019 Board meeting, the Board renewed the licenses of Captains Rocci, Robinson, and Epperson.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported that for October 2019, the Board received a check from SFBP in the amount of \$195,029.72, itemized as follows:

- Board Operations Surcharge: \$116,209.72
- Trainee Surcharge: \$28,410.00
- Continuing Education Surcharge: \$50,410.00

He also stated that due to the early Board meeting date, Board staff had yet to receive the November surcharge remittance.

**D) Report on legislative activities and contractual matters.**

Assistant Director Cristia-Plant stated that there were no legislative activities to report.

Assistant Director Cristia-Plant reported the following on contractual matters:

- Board staff continue to work on an amendment to the existing contract with the San Francisco Bar Pilots to expand the scope of work and modify the budget to include trainee random drug testing.
- The California Highway Patrol sent the State Controller's Office a contract for expediting state warrants, and that the contract should be fully executed by the end of the year.
- The Board's contract with Citibank has been amended to expire on October 31, 2021, and that the contract pays for travel services for Board staff through the CalTravelStore.
- She also noted that contract activity will increase next year due to several contracts expiring in 2020.

Executive Director Garfinkle and Past President Miller confirmed for Commissioner Hoppes that the San Francisco Bar Pilot Pension Plan surcharge is reset every quarter, that the calculation is set in statutes, and that the Board currently contracts with a certified public accounting firm to conduct the surcharge calculations. They also confirmed that the

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pensioners receive a “target” monthly pension amount, and that pension beneficiaries may receive more or less than the monthly target pension amount in any one month, but that over time, the amount received will roughly even out.

## **6. Port Agent’s Report (Port Agent Long)**

### **A) Monthly report for November 2019 on San Francisco Bar Pilots (SFBP) pilot availability and absences.**

Port Agent Long reported the following pilots have been absent for medical reasons (AFMR) and their initial absence date:

- Captain Kleess – November 26, 2018.
- Captain Coppo – August 13, 2019.
- Captain Carlier – September 11, 2019.

He reported that the SFBP continually monitors the dispatch list for possible 12-hour minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period less than 10 hours, mitigation measures are employed by the SFBP. He reported that the mitigation measures include, but are not limited to, suspending continuing professional development protocols, canceling scheduled meetings, canceling previously granted compensated time off requests, suspending SFBP internal working rules, and calling in off-watch pilots.

He reported that there are currently 57 licensed pilots, and that there were no MRP exceptions in November.

### **B) Monthly report for November 2019 on SFBP ship piloting business activity.**

Port Agent Long reported that the P/V DRAKE went into the shipyard for normal maintenance and repairs on December 9, 2019. He also reported that the P/V CALIFORNIA was back in service as of December 11, 2019.

Port Agent Long reported that the billed vessel moves for November 2019 were as follows:

- Bar Crossings: 502 moves
- Bay Moves: 148 moves
- River Moves: 29 moves
- Total Moves: 679 moves
- Gross Registered Tons (GRT): 30.2 million

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He also reported that when comparing 2019 year-to-date vessel move data with the same period in 2018, total moves were up 1.0% and GRT was down 2.4%.

Executive Director Garfinkle responded to Commissioners Nyborg and Hayes-White that the Board's regulations allow for a pilot to not be actively piloting for periods longer than a year, and that the one pilot who has been AFMR for longer than a year is in compliance with the Board's regulations.

**C) Monthly confidential written report for November 2019 of SFBP pilots who have been absent for medical reasons (AFMR). The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.**

There was no discussion of the confidential written report of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

**7. Pilot Evaluation Committee (Captain Teague)**

**A) Report on the Pilot Evaluation Committee (PEC) meeting held on December 4, 2019.**

PEC Chair Captain Teague was absent. Executive Director Garfinkle read his written report as follows:

- The PEC met on December 4, 2019, and in attendance were Committee members Captains Boriolo, Carlier, Haggerty, Robinson, and Teague.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The eight current trainees include Captains Adams, Benedict, Burchard, Deisher, Nelson, Pyne Mercier, Rogers, and Stevens. The range of time in the program for these trainees spans 3 to 29 months.
- Captains Burchard and Pyne Mercier have their full unlimited federal pilotage endorsement with the U.S. Coast Guard, and are in the evaluation stage of the Pilot Trainee Training Program. Captains Nelson and Stevens have completed all U.S. Coast Guard testing and are finalizing the requirement for route trips. These four trainees are handling vessels as much as possible.
- Captains Benedict and Rogers are acquiring route trips, are testing with the U.S. Coast Guard for their pilotage endorsements, and are handling vessels in areas where they have their endorsements.

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- The two newest trainees, Captains Adams and Deisher, are gathering route trips for testing with the U.S. Coast Guard, and Captain Adams is beginning to handle vessels in areas where he has his pilotage endorsements.
- All trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.
- The next PEC meeting is scheduled for January 15, 2019, at 7:30 a.m. at the Board office.

Executive Director Garfinkle thanked the PEC members for their continued diligence training trainees in the Board's Pilot Trainee Training Program.

Port Agent Long confirmed for President Connolly that the trainee program is performance driven. Commissioner Nyborg stated that trainees must perform at a 4.0 for three months in a row while in the evaluation stage and riding with PEC members, and that consistency in performance is the key to graduating from the program. He also confirmed for Commissioner Hoppes that 36 months is the maximum time allowed in the training program. Executive Director Garfinkle added that there are other criteria in regulations that the PEC must evaluate to recommend to the Board that a trainee graduate from the training program, and that consistency is but one of the criteria that are evaluated.

**B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.**

There was no recommendation.

**C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.**

There was no recommendation.

**D) Possible recommendation from the Executive Director for the appointment of a new pilot or pilots. Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.**

There was no recommendation.

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**8. Reported Safety Standard Violations (Executive Director Garfinkle)  
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)**

Executive Director Garfinkle reported that on November 26, 2019, he received a report of a pilot ladder deficiency that took place on that day prepared by Captain Casey Crowl. The report stated that while disembarking the M/V LAKE GENEVA at sea, the ladder was rigged with ½ inch poly rope for the man rope, and that the poly rope was worn and unsafe. He stated the deficiency report stated the pilot requested a replacement manrope, and that it took ten minutes for the crew to obtain a replacement man rope. He stated the report also noted correctly that a man rope needs to be at least 1-1.25 inches across. He confirmed for President Connolly that the man rope should be of natural fiber to allow for sufficient traction. The pilot also stated in the report that the vessel must have a new man rope and a spare at the disembarking station, and that 10 minutes for the pilot boat to remain along side was unsafe. Executive Director Garfinkle stated that he forwarded the M/V LAKE GENEVA pilot boarding arrangement deficiency report to the U.S. Coast Guard.

Executive Director Garfinkle reported that on December 6, 2019, he received a report of a pilot ladder deficiency that took place on December 5, 2019, prepared by Captain Drue Kasper. The report stated that while embarking the M/V MSC ALGHERO, the starboard side ladder rope first step was worn to less than one strand, and that the master will replace with a new ladder the following day. Port Agent Long confirmed that the ladder was replaced. Executive Director Garfinkle stated that he forwarded on the M/V MSC ALGHERO pilot boarding arrangement deficiency report to the U.S. Coast Guard.

**9. Incident Review Committee—Reportable Piloting Events (Executive Director Garfinkle)  
(Reportable piloting events occurring up to the start of the meeting will be reported on.)**

**A) Status report on the alleged hard landing of the M/V WASHINGTON at the Valero pier (BNC4) in Benicia on August 12, 2019. Possible Board action to grant the Incident Review Committee an extension to present the M/V WASHINGTON report at the Board meeting to be held on January 23, 2020.**

Executive Director Garfinkle reported that on August 12, 2019, the M/V WASHINGTON was alleged to have landed hard at the Valero pier (BNC4), resulting in minor damage to the structure. He reported that the 90-day statutory deadline for the report was November 9, 2019. He stated that the investigation is complete, that the Incident Review Committee (IRC) report is being prepared, and the IRC is requesting an extension to present the IRC report at the January 2020 Board meeting.

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**MOTION:** Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V WASHINGTON at the Board meeting to be held on January 23, 2019. Commissioner Prada seconded the motion.

**VOTE:** YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**B) Status report on the event involving the P/V STAR PRINCESS wherein a tugboat made fast to the P/V STAR PRINCESS made contact with Pier 23 in San Francisco on October 2, 2019. Possible Board action to grant the Incident Review Committee an extension to present the P/V STAR PRINCESS report at the Board meeting to be held on January 23, 2020.**

Executive Director Garfinkle reported that on October 2, 2019, the P/V STAR PRINCESS was mooring at Pier 27, San Francisco, (SFO 27), and the assist tug, DELTA CATHRYN, made unintended contact with Pier 23 during the mooring process, resulting in damage to the pier structure. He reported that the 90-day statutory deadline for the report is December 30, 2019, and that the incident is still under investigation. He noted that the IRC report may take longer than usual to investigate since the committee is having difficulties obtaining information from the vessel and the tug. He stated the IRC is requesting an extension to present the IRC report at the January 2020 Board meeting.

**MOTION:** Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the P/V STAR PRINCESS at the Board meeting to be held on January 23, 2019. Commissioner Nyborg seconded the motion.

**VOTE:** YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**C) Status report on the event involving the allision between the T/V POLAR DISCOVERY with the T/V TORM RESILIENCE that was previously moored at the Chevron Long Wharf in Richmond on November 24, 2019.**

Executive Director Garfinkle reported that on November 24, 2019, the T/V POLAR DISCOVERY allided with the T/V TORM RESILIENCE that was previously moored at the Chevron Long Wharf in Richmond. He reported that there was damage to both ships, damage to the pier, and to the loading arms that were connected to the T/V TORM RESILIENCE. He stated that some oil was released, but it was contained on the deck of



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the T/V TORM RESILIENCE, and that no oil went into the water. He stated that the investigation is ongoing, that the 90-day statutory deadline date is February 21, 2020, and that no Board action is necessary.

Commissioner Prada stated that given his involvement in this investigation as a Chevron employee, he will recuse himself from voting on the IRC report for this incident.

#### **10. Significant Port Safety and Security Cases Report (Executive Director Garfinkle)**

##### **Report on marine casualties, navigational safety and significant incident management cases relevant to the Board as reported by the U.S. Coast Guard in its Prevention / Response – San Francisco Harbor Safety Statistics report for October and November 2019.**

Executive Director Garfinkle summarized the October 2019 Prevention/Response – San Francisco Harbor Safety Statistics report, and noted that there were three loss and one reduction of propulsion events reported. He also noted that the collision of the P/V STAR PRINCESS on October 2, 2019, was mentioned, as well as a collision between a U.S. flag small passenger vessel with a recreational vessel.

Commissioner Carr noted the October 2019 report reflected an uptick in reported or verified “Rule 9” or Other Navigational Rule Violations of 3 events versus none reported for the same month one year earlier. He stated that a Rule 9 violation involves a small vessel in close proximity to a larger vessel in a narrow channel that might impede the travel of the larger vessel. He stated that pilots report such events to Vessel Traffic Service, and Port Agent Long stated that the U.S. Coast Guard follows up on all such reports.

#### **11. Navigation Technology Equipment and Software Acquisition Update (SFBP General Counsel Paetzold)**

##### **Status report on the SFBP’s navigation technology equipment and software implementation.**

Captain McIntyre presented a report on navigation technology, and stated that there is no need at this time for a change in the Navigation Technology Surcharge rate, that all navigation technology recently acquired is performing adequately, and that the SFBP may wish to acquire additional equipment prior to the sunset date of the legislation. She also stated that SFBP is working on proposed legislation to extend the Navigation Technology Surcharge because technology is changing, and the current equipment and software will need to be updated in the future.

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Commissioner Hoppes stated that although equipment is a capital expenditure, that other navigation technology costs such as software and equipment repairs are more along the lines of an ongoing expense, and noted that for pilot vessels, pilots pay for maintenance and repairs.

Commissioner Nyborg stated that the recently acquired navigation technology has greatly contributed to safe navigation of vessels in the Board's jurisdiction.

**12. Pilot Fitness Committee (Committee Chair Miller)**

**Report on the Pilot Fitness Committee meeting held on November 19, 2019.**

Past President Miller reported that the Pilot Fitness Committee met on November 19, 2019. He noted that President Connolly recently stepped down from the Committee, and that the current committee members included Commissioners Nyborg and Hayes-White, esteemed physicians Drs. Chester Ward and Robert Kosnik, and himself. He stated the committee was working on two major areas, including updating the pilot and trainee medical fitness protocols and developing policies from the pilot fatigue study recommendations of the San Jose State University Research Foundation and National Aeronautical and Space Administration researchers that will lead to regulations preventing pilot fatigue. He noted that the development of pilot fatigue policies has been an ongoing collaborative effort of the Committee, the Port Agent and the Pacific Merchant Shipping Association.

**13. Incident Review Committee incident report on the M/V WASHINGTON (Committee Chair Connolly)**

**A presentation of the Incident Review Committee report on the event involving on the alleged hard landing of the M/V WASHINGTON at the Valero pier (BNC4) in Benicia on August 12, 2019. Board deliberation of the Incident Review Committee's recommendations to the Board and determination regarding the event involving the M/V WASHINGTON. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).**

Executive Director Garfinkle noted that this item was considered in agenda item 9.

**14. Public comment on matters not on the agenda.**

There were no comments from the public.

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**15. Proposals for the next Board meeting agenda.**

Commissioner Hayes-White announced that she will be absent at the Board meeting on January 23, 2020. Assistant Director Cristia-Plant stated that the Pilot Retirement Survey will be sent out in early January 2020.

**16. Adjournment**

President Connolly adjourned the meeting at 10:33 a.m.

Submitted by:



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**Allen Garfinkle**  
**Executive Director**