

<p><b>Meeting Date:</b> <b>January 23, 2020</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 14</b></p>
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**Board Members Present**

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

**Board Members Absent**

Joanne Hayes-White, Public Member  
 Vacant, 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; Captain Anne McIntyre, SFBP Business Director; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; and Captain Dennis Plant, Chevron and retired BOPC-licensee.

**OPEN MEETING**

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

President Connolly called the meeting to order at 9:33 a.m. Administrative Assistant II Wong called the roll and confirmed a quorum.

**2. Board Officer Election (Executive Director Garfinkle and Board Counsel Eagan)**

**A) Explanation of rules and customs applicable to Board officer elections.**

Executive Director Garfinkle reported that Vice President Brooks' term ended on December 31, 2019, and he elected not to reapply for a second term. Board Counsel Eagan explained that traditionally, the President and Vice President have been public members, but there is no statute or regulation that prevents any board member from holding these posts.

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**B) Board members to elect a Vice President of the Board. Board action to elect a Vice President of the Board.**

President Connolly nominated Commissioner Hayes-White to be the Board Vice President. He added that she has an excellent record and long history of public service, she has been a Board Commissioner for a year, and has been acting President during Incident Review Committee (IRC) report presentations. There were no additional nominations.

**MOTION:** President Connolly moved for the election of Commissioner Hayes-White to be the Vice President of the Board. Commissioner Hoppes seconded the motion.

**VOTE:** YES: Connolly, Carr, Hoppes, Nyborg, and Prada.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

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

**Board action to approve the minutes from the Board meeting held on December 12, 2019.**

Board members were presented with the draft minutes from the meeting held on December 12, 2019. President Connolly thanked Board staff for documenting the Board activities in such detail. There was no further discussion.

**MOTION:** Commissioner Nyborg moved to approve the draft minutes of the meeting held on December 12, 2019. Commissioner Prada seconded the motion.

**VOTE:** YES: Connolly, Carr, Hoppes, Nyborg, Prada.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

**4. President Announcements and Activities (President Connolly)**

President Connolly announced that the annual Executive Director performance review will be due soon. He stated that Commissioner Nyborg will collect the evaluations from the Board members and tabulate the results for consideration at the next monthly Board meeting.

President Connolly also announced that he has received a preliminary draft of the San Francisco Pilot Pension Plan Valuation Report prepared by Precision Actuarial, Inc. He stated that he would like to discuss the report with the actuary from Precision Actuarial Inc. prior to the report being presented to the Pilot Pension Committee, which he chairs.

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**5. Board Member Announcements and Activities (Board Members)**

There were no announcements.

**6. Directors' Report (Executive Director Garfinkle/Assistant Director Cristia-Plant)**

**A) Correspondence and activities since the Board meeting held on December 12, 2019.**

Executive Director Garfinkle reported the following:

- On December 13, 2019, Board staff received a letter from the Principal Librarian at the California State Library reminding the Board that transparency and accessibility are top priorities of the Newsom administration, and are encouraging the Board to provide copies of Board-created publications to the State Library.
- On December 17, 2019, Board staff received a letter from the Department of General Services informing the Board that the Board did not meet the Small Business or Disabled Veteran Business Enterprise goals for the 2018 – 2019 fiscal year. He stated the Board has very limited contracting and procurement opportunities that qualify to be let to state-certified Small Business and Disabled Veteran Business Enterprises, and that the Board is doing all it can to maximize those opportunities.
- On December 18, 2019, Board staff received a copy of the *PMSA West Coast Trade Report* for the month of December 2019.
- On January 2, 2020, Board staff received a news release from the United States Coast Guard titled, *Coast Guard responds to deadly Sandy Hook harbor pilot accident*, and noted that on December 30, 2019, Sandy Hook pilot Dennis Sherwood, a 35-year veteran pilot, fell backwards off a ladder while boarding the M/V MAERSK KENSINGTON and died from his serious injuries. He noted that at the time the pilot was boarding, the news report stated that wave heights were 4–5 feet and winds were at 30 knots.
- On January 10, 2020, Board staff received a copy of a letter from Commissioner Brooks to Governor Newsom stating that he will not apply for an additional term due to family obligations.

**B) Report on pilot licensing matters since the Board meeting held on December 12, 2019.**

Executive Director Garfinkle reported that since the December 2019 Board meeting, the Board renewed the licenses of Captains Kleess, Greger, Pullin, Kellerman, and Ruff.

**C) Report on Board surcharges.**

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Executive Director Garfinkle reported that for November 2019, the Board received a check from SFBP in the amount of \$179,618.56, itemized as follows:

- Board Operations Surcharge: \$98,973.56
- Trainee Surcharge: \$55,560.00
- Continuing Education Surcharge \$25,085.00

Executive Director Garfinkle reported that for December 2019, the Board received a check from SFBP in the amount of \$189,001.78, itemized as follows:

- Board Operations Surcharge: \$102,526.78
- Trainee Surcharge: \$ 60,185.00
- Continuing Education Surcharge \$ 26,290.00

**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:

- A \$1,000 contract with a two-year term is now in place to pay the State Controller’s Office to expedite the issuance of state warrants, when needed.
- 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.
- Board staff submitted paperwork to the contract staff at the California Highway Patrol to extend the term of three Commission Investigator contracts. The current contracts expire April 30, 2020, and each contract contains a provision allowing the contract to be extended twice for up to a year each time.
- The contracting workload will increase this spring due to several current contracts having a 2020 or 2021 expiration date. These contracts include:
  - Pilot Continuing Education contract with California State University Maritime Academy (expires June 30, 2020);
  - Pilot Trainee Training Program Selection Examination contract with California State University Maritime Academy (expires June 30, 2020);
  - A contract with the San Jose State University Research Foundation (expires June 30, 2020);
  - A contract with the State Controller’s Office for Surcharge and Pilotage Audits (expires August 31, 2020); and
  - The contract for manned model training (expires on June 30, 2021), and will require over a year of procurement work.

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Assistant Director Cristia-Plant also reported that she will be attending meetings with staff from the California Department of Human Resources for the purpose of developing a Succession Plan for the Board, may also possibly develop a Workforce Plan, and that both plans are required of all state entities. She also clarified for Commissioner Hoppes that there is some money left in the San Jose State University Research Foundation contract to carry out the post-regulation implementation review, but that additional funds likely will need to be added to the contract to complete the scope of work already included in the contract.

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

### **A) Monthly report 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 Coppo – August 13, 2019
- Captain Carlier – September 11, 2019
- Captain Kirk – December 27, 2019
- Captain Boriolo – January 6, 2020

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 55 licensed pilots, that there were four MRP exceptions in December, and that the shortest rest period was 9.6 hours.

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

Port Agent Long reported that the P/V CALIFORNIA was out of service on January 20, 2020, due to a faulty fuel pump in one of the generators. He reported the vessel has been repaired and is back in service.

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

- Bar Crossings: 520 moves

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- Bay Moves: 152 moves
- River Moves: 44 moves
- Total Moves: 716 moves
- Gross Registered Tons (GRT): 30.9 million

He also reported that when comparing 2019 year-to-date vessel move data with the same period in 2018, total moves were up 0.7% and GRT was down 2.6%.

**C) Monthly confidential written report 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.

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

**A) Report on the Pilot Evaluation Committee (PEC) meeting held on January 15, 2020.**

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

- The PEC met on January 15, 2020, and in attendance were Committee members Captains Boriolo, 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 4 to 30 months.
- Captains Burchard, Nelson, Pyne Mercier, and Stevens have their full unlimited federal pilotage endorsement with the U.S. Coast Guard. Captain Pyne Mercier is in the evaluation stage of the Pilot Trainee Training Program. Captain Burchard was removed from the evaluation stage and will receive greater individualized instruction that is usually not provided when trainees are in evaluation stage. 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.
- All trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.

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- The next PEC meeting is scheduled for February 19, 2020, at 7:30 a.m. at the Board office.

Executive Director Garfinkle confirmed for Commissioner Hoppes that the PEC determined that pilot trainee Burchard would benefit from additional coaching, and that he has 6 more months in the Pilot Trainee Training Program. He also confirmed for Past President Miller that there are 15 trainee candidates remaining on the eligibility list from the 2019 Pilot Trainee Candidate list, and two candidates remaining on the 2017 Pilot Trainee Candidate list. He noted that the two candidates from the 2017 list have thus far requested to be deferred at each opportunity offered to train, and the 2017 trainee eligibility list will expire in June 2020.

**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.

**9. 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 December 16, 2019, he received a report of a pilot ladder deficiency that took place on December 15, 2019, prepared by Captain Michael Rubino. The reported stated that while embarking the M/V HYUNDAI BUSAN, the combination ladder was in poor condition and was not secured to the ship's side. The report stated that the pilot recommended the ship use a magnetic device to secure the ladder to the

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ship's hull. Executive Director Garfinkle reported that he notified Port State Control, as the vessel was located in Oakland. He also stated that he dispatched a Commission Investigator to the vessel, and was notified that the ship's master was working with the ship's agent to resolve the issue.

Commissioner Nyborg commented that Commission Investigators attending to the deficient ladder report help incentivize the repair or replacement of deficient equipment, and he noted that ship masters have typically been responsive to ensuring safe pilot boarding equipment.

President Connolly stated the U.S. Coast Guard Port State Control has responsibility for ensuring safe pilot boarding equipment, and thanked everyone on a job well done regarding this pilot ladder incident. President Connolly stated the Board needs to mitigate pilot ladder safety risks as much as possible when it has an opportunity to do so. .

Commissioner Carr stated the Board's investigations of pilot ladder deficiency reports contributes to the safety of a pilot's job. He added that he has worked with Evergreen to encourage them to have a device to hold the ladders closer to the ship to prevent the pilot ladder from rotating and make for a safer pilot transfer.

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

Executive Director Garfinkle announced that while this item is listed as agenda item #9 on the staff reports, the correct agenda number item #10.

**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 February 27, 2020.**

President Connolly noted that the Investigation Review Committee (IRC) will present its report on the M/V WASHINGTON under agenda item 15.

**B) Status report on the event involving the P/V STAR PRINCESS wherein a tugboat made fast to the P/V STAR PRINCESS made unintended 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 February 27, 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



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CATHRYN, made unintended contact with Pier 23 during the mooring process that resulted in damage to the pier structure. He reported that the 90-day statutory deadline for the report was on December 30, 2019, and that the incident is still under investigation. He stated that the IRC is requesting an extension to present the IRC report at the February 2020 Board meeting.

**MOTION:** Commissioner Nyborg 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 February 27, 2020. Commissioner Hoppes seconded the motion.

**VOTE:** YES: Connolly, Carr, 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. Possible Board action to grant the Incident Review Committee an extension to present the T/V POLAR DISCOVERY report at the Board meeting to be held on February 27, 2020.**

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, to the pier, and to the landing arms that were connected to the T/V TORM RESILIENCE. He stated that oil was released, but it was contained on the deck of the T/V TORM RESILIENCE, and that no oil went into the water. He stated the investigation is ongoing, that the 90-day statutory deadline date is February 21, 2020, and that the IRC is requesting an extension to present the IRC report at the February 2020 Board meeting.

**MOTION:** Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the T/V POLAR DISCOVERY at the Board meeting to be held on February 27, 2020. Commissioner Nyborg seconded the motion.

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

**ACTION:** The motion was approved.

**D) Initial report on the event involving unintended contact of the M/V VINCENT GENESIS with Levin’s Terminal (RCH 20) in Richmond on December 13, 2019.**

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Executive Director Garfinkle reported that on December 13, 2019, the M/V VINCENT GENESIS made unintended contact with the corner of Levin Terminal in Richmond (RCH20). There was damage to the wooden structure of the pier. He reported that the investigation is still ongoing, that the 90-day statutory deadline is March 11, 2020, and that no Board action is necessary.

**E) Initial report on the event involving a temporary grounding of the M/V S.G. FRIENDSHIP on the San Joaquin River in the vicinity of Windmill Cove near the Port of Stockton on January 12, 2019.**

Executive Director Garfinkle reported that on January 12, 2020, the M/V SG FRIENDSHIP experienced a loss of propulsion on the San Joaquin River near the Port of Stockton. In the process of anchoring the ship, the ship made contact with the riverbank. He stated the ship was able to get underway without further incident and under its own power.

He stated the IRC investigated the event, during the investigation it was determined that there was clearly no pilot error, and the investigation was closed as allows pursuant to the Board’s regulations.

**11. 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 November and December 2019.**

Executive Director Garfinkle reported on the November 2019 Prevention/Response – San Francisco Harbor Safety Statistics report, and noted that there were three loss of propulsion events involving piloted vessels. One was a foreign flag RORO that experienced a loss of propulsion due to a generator failure. Another foreign flag container ship experienced a loss of propulsion while leaving Oakland, and noted that a causative factor was an inoperable piston cooling oil flow switch on the main engine. He reported the third loss of propulsion was due to a crewmember mistakenly taking away control of the engine from the bridge. Lastly, he noted that the report mentioned the allision at the Chevron Long Wharf in Richmond reported earlier this meeting.

Executive Director Garfinkle reported on the December 2019 Prevention/Response – San Francisco Harbor Safety Statistics report, and noted that there were two loss of propulsion events, and neither involved piloted vessels. He also reported that there was mention of a “Rule 9” violation, and noted that the pilot had to make a dead stop so a row boat 1500 feet away could pass. Commissioner Nyborg commented that 1500 feet appeared to be in error,

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and Commissioner Carr stated that he was the pilot and confirmed that the distance listed in the Harbor Safety report was an error; that the row boat was 150 feet from the ship, and that he lost sight of the boat under the bow. He also noted that the U.S. Coast Guard has already closed the case.

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

### **A) Report on the Pilot Fitness Committee meeting held on December 20, 2019.**

Past President Miller reported that the Pilot Fitness Committee met on December 20, 2019, and continues to work on fatigue policy recommendations to the Board.

### **B) Report on the Committee’s review and discussion of the recommendations contained in the July 2018 San Francisco Bar Pilot Fatigue Study produced by San Jose State University Research Foundation and the National Aeronautics and Space Administration, the identification of recommendations appropriate for incorporation into regulations, and the development of a fatigue risk management policy. Possible Board action to accept the Committee’s recommendations on a fatigue risk management policy from which fatigue regulations will be drafted, and to direct one or more Committees and Board staff to commence draft regulation writing.**

Past President Miller reported that the Committee is working on writing policy recommendations to the Board to prevent pilot fatigue and is projecting to present its policy recommendations to the Board at the February 2020 Board meeting. He added that the recommendations are listed in a spreadsheet so that the Board can review how each pilot fatigue study recommendation was addressed by the Committee. Commissioner Nyborg thanked Past President Miller for dedicating his time and significant efforts to the Committee

## **13. Navigation Technology Equipment and Software Acquisition Update (SFBP Business Director McIntyre)**

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

Captain McIntyre reported that all navigation equipment is working well, that the SFBP continues to evaluate the new equipment, and that there are no other issues to report.

## **14. Proposed Board Rulemaking Calendar for 2020 – Executive Director Garfinkle**

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**Discussion of draft 2020 Board Rulemaking Calendar for submission to the Office of Administrative Law. Possible Board action accept draft 2019 Board Rulemaking Calendar in compliance with Government Code Section 11017.6, and direction to Board staff to submit the 2018 Board Rulemaking Calendar to the Office of Administrative Law.**

Executive Director Garfinkle presented the Board’s draft 2020 Rulemaking Calendar, and explained that the calendar is required each year by the Office of Administrative Law (OAL), principally for their workload planning purposes, and that the calendar does not bind the Board to any particular regulatory action.

**MOTION:** Commissioner Nyborg moved to approve the draft 2020 Rulemaking Calendar as presented. Commissioner Prada seconded the motion.

**VOTE:** YES: Connolly, Carr, Hoppes, Nyborg, and Prada.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

**15. 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 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).**

President Connolly turned the meeting over to Commissioner Hoppes to chair, and assumed his position on the Incident Review Committee (IRC).

Executive Director Garfinkle presented the IRC report for the M/V WASHINGTON, and stated the following facts of the incident:

- On the morning of August 12, 2019, the M/V WASHINGTON (WASHINGTON) was enroute from Anchorage 9 to the Valero berth (BNC4) in Benicia, piloted by licensee Captain Daniel Larwood, accompanied by Board trainee Captain Matthew Stevens.
- Captains Larwood and Stevens boarded the WASHINGTON at Anchorage 9 at approximately 0645 hours. The transit up river, the turn off Benicia Industrial Dock, and the approach to the Valero dock were uneventful, and handled by trainee Stevens under Captain Larwood’s supervision.

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- Pursuant to his plan, Captain Stevens had the tug DELTA BILLIE put up a line on the port bow, the tug VIGILANT made up centerline aft, and the tug Z-FIVE on the port quarter. On the approach to the pier, Captain Stevens had the tugs ready to work away from the pier.
- As the WASHINGTON came alongside the pier, the bow made contact with the pier first, landing harder than normal, and that Captain Larwood felt that it was not hard enough to result in any damage. At the time of docking, neither the bridge team nor the dock personnel gave any indication that there was damage to the pier.
- A post-event inspection report from structural engineering firm Moffatt & Nichol noted that the catwalk, which runs along the face of the pier and is used to land gangways from berthing vessels, suffered damage to its southwest corner.
- The IRC consisted of President Dave Connolly, as Chair, and Executive Director Allen Garfinkle.

Executive Director Garfinkle then discussed the evidence and the IRC's analysis of the passage of the WASHINGTON, whether the pilot was proceeding in a reasonable and cautious manner using the skill and care possessed by the average pilot similarly situated would have ordinarily exercised, whether Captain Larwood's and trainee Captain Stevens' actions were reasonable and prudent, and were made using their best judgment. He explained that the mooring approach speed and energy of impact calculated for the berthing were within the Marine Oil Terminal Engineering and Maintenance (MOTEMS) standards, and that the IRC determined that damage to ancillary structures on the pier were due to a design anomaly where the catwalk extends out into the normal and expected operating range of the fenders, exposing the catwalk to potential damage.

He stated that in this event, the pilot trainee landed the ship alongside the pier at a slight two-degree angle, which concentrated the landing force of the hull on the western fendering of the pier, and that while not ideal, the mooring force of this landing was computed to be within the rated capacity of the fenders. He noted that the fenders did their job and appropriately absorbed the impact, but due to the apparent design anomaly of the catwalk, the hull of the WASHINGTON came into contact with the catwalk structure, resulting in some damage to the catwalk. He also stated that the IRC could not obtain sufficient documentation of the damage or the costs to repair the catwalk.

Executive Director Garfinkle stated that based on the evidence and analysis, the IRC recommended the following actions to the Board:

- That the Board find for no misconduct on the part of the pilot.
- That this case be closed with no further action.

Commissioner Nyborg thanked Executive Director Garfinkle for investigating and addressing the pier structure and its design flaws.

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**MOTION:** Commissioner Prada moved to accept the Incident Review Committee’s recommendation regarding the event involving the M/V WASHINGTON at Valero (BNC4) on August 12, 2019, that the Board find for no misconduct on the part of the pilot, and to close the investigation without further action. Commissioner Nyborg seconded the motion.

**VOTE:** YES: Carr, Nyborg, Hoppes, and Prada.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

Commissioner Hoppes yielded the Chair duties back to President Connolly.

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

There were no comments from the public.

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

President Connolly requested the Executive Director’s annual performance review, and updates from the Pilot Power and Pilot Fitness Committees be added to the February Board meeting agenda.

**18. Adjournment.**

President Connolly adjourned the meeting at 10:59 a.m.

Submitted by:




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