

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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October 12, 2020

NOTICE OF BOARD MEETING

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will conduct a public meeting on Thursday, October 22, 2020, at 9:30 a.m. at the Board office at 660 Davis Street, San Francisco, California. The meeting will be public.

Due to limited space at the Board office, which may not meet social distancing requirements depending upon the number of onsite attendees, and relying on the directives provided by Governor Gavin Newsom in [Executive Order N-29-20](#) regarding public meetings and the COVID-19 pandemic, the Board will provide the opportunity to attend the meeting by telephone conference call. The toll-free telephone conference number and access code are as follows:

Toll Free: 888-363-4735 Access Code: 3972253

*Board members will have the option of calling into the meeting via conference line. Members of the public are **strongly** encouraged to participate in the meeting via conference call. Anyone who wishes to attend the meeting in person at the Board office must adhere to social distancing requirements and wear a mask as per local health orders. Masks will be provided. There will be an opportunity for public comments on all agenda and non-agenda items at the outset of the open session. There will also be an opportunity for public comment during the presentation of each agenda item, and on non-agenda items at the end of the meeting. Meeting documents will be available on the Board’s website listed below.*

Items of business scheduled for the meeting are listed on the attached agenda. There may be recesses at the discretion of the Chairperson.

This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting should call the Board office at (415) 397-2253, or write to the Board at the above address. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

BOARD OF PILOT COMMISSIONERS

Allen Garfinkle
Executive Director

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This notice and agenda may also be found on the Board’s website:
www.bopc.ca.gov

**Board of Pilot Commissioners
for the Bays of San Francisco, San Pablo, and Suisun**

**Board Meeting
Thursday, October 22, 2020, at 9:30 a.m.**

AGENDA

**Conference Line
Toll Free: 888-363-4735
Access Code: 3972253**

**Staff/Public Meeting Location
660 Davis Street
San Francisco, CA 94111**

OPEN MEETING

1. Call to Order and Roll Call (President Connolly)
2. Review and approval of Board meeting minutes (President Connolly)

Board action to approve the minutes from the Board meetings held on September 24, 2020 and October 7, 2020.

3. Public comment on matters on the agenda or not on the agenda.
4. President Announcements and Activities (President Connolly)
5. Board Member Announcements and Activities (Board Members)
6. Directors' Report (Executive Director Garfinkle/Assistant Director Cristia-Plant)
 - A) Correspondence and activities since the Board meeting held on September 24, 2020.
 - B) Report on pilot licensing matters since the Board meeting held on September 24, 2020.
 - C) Report on Board surcharges.
 - D) Report on legislative activities and contractual matters.
7. Port Agent's Report (Port Agent Long)
 - A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.
 - B) Monthly report on SFBP ship piloting business activity.
 - 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.**

8. Pilot Evaluation Committee (Captain Teague)
 - A) Report on the Pilot Evaluation Committee (PEC) meeting held on October 14, 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.**
 - C) Presentation of written PEC recommendation to the Board that the Board not determine that Captain David Burchard has successfully completed the Pilot Trainee Training Program and that the Board not issue to him a certificate of completion of the Pilot Trainee Training Program. The written recommendation will set forth the basis for the PEC's decision at its August 19, 2020, meeting to not recommend issuance to Captain Burchard of a certificate of completion. **Board determination whether Captain David Burchard has successfully completed the Pilot Trainee Training Program and whether to issue to him a certificate of completion.**
 - D) Possible PEC recommendation as to whether a trainee has or trainees have successfully completed the Pilot Trainee Training Program. **Possible Board action whether to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.**
 - E) Possible recommendation from the Executive Director for the Board to issue a state pilot license to a trainee who holds a Certificate of Completion from the Pilot Trainee Training Program. **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.**
9. Reported Safety Standard Violations (Executive Director Garfinkle)
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)
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.)
 - A) 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 Richmond 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 November 12, 2020.**
 - B) Status report on the event involving the M/V VINCENT GENESIS making unintended contact with Levin's Terminal (RCH 20) in Richmond on December 13, 2019. **Possible Board action to grant the Incident Review Committee an extension to present the M/V VINCENT GENESIS report at the Board meeting to be held on November 12, 2020.**
 - C) Status report on the event involving the M/V CHAMPION CONCEPT making unintended contact with the corner of the dock while performing a shift from Berth 8 to Berth 9 in

Stockton, California on April 28, 2020. **Possible Board action to grant the Incident Review Committee an extension to present the M/V CHAMPION CONCEPT report at the Board meeting to be held on November 12, 2020.**

D) Status report on the event involving an interaction between the M/V HUNDAI NEPTUNE, the M/V HANOVER EXPRESS and the M/V THALASSA AVRA causing the M/V THALASSA AVRA to have multiple parted lines and making contact with a container crane at Berth 37 in Oakland, California on May 21, 2020. **Possible Board action to grant the Incident Review Committee an extension to present the M/V HUNDAI NEPTUNE and the M/V HANOVER report at the Board meeting to be held on November 12, 2020.**

E) Status report on the event involving an interaction between the M/V JIANGMEN TRADER and the moored M/V STRATEGIC ALLIANCE causing the M/V STRATEGIC ALLIANCE to have two parted spring lines at Berth #6 in Pittsburg on July 23, 2020. **Possible Board action to grant the Incident Review Committee an extension to present the M/V JIANGMEN TRADER report at the Board meeting to be held on November 12, 2020.**

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 September 2020.

12. Pilot Boat Advisory Committee (Commissioner Carr)

A) Report on the Pilot Boat Advisory Committee meeting held on October 6, 2020.

B) Report on the Committee's review and discussion of a request and supporting documentation from the San Francisco Bar Pilots and the San Francisco Bar Pilots' Benevolent and Protective Association for a Necessity Determination for the purchase of a replacement vessel for the P/V GOLDEN GATE pursuant to Title 7, California Code of Regulations Section 236.1. **Possible Board action to approve a request and supporting documentation from the San Francisco Bar Pilots and the San Francisco Bar Pilots' Benevolent and Protective Association for a Necessity Determination for the purchase of a replacement vessel for the P/V GOLDEN GATE pursuant to Title 7, California Code of Regulations Section 236.1.** (Commissioner Carr)

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

Status report on the SFBP's navigation technology equipment and software implementation.

14. Pilot Vessel Condition and Valuation Surveys (Executive Director Garfinkle)

Review and acceptance of the Condition and Valuation Surveys for the Pilot Vessels CALIFORNIA, DRAKE, and PITTSBURG. **Possible Board action to accept the Condition and Valuation Surveys for the Pilot Vessels GOLDEN GATE, CALIFORNIA, DRAKE,**

and PITTSBURG, and making a finding that the vessels are safe and suitable for pilotage service.

15. Trainee request for continuance of a Leave of Absence (Executive Director Garfinkle)

Report on Pilot Trainee Training Program trainee Captain Brett Nelson's request for a continuance of the two-month leave of absence from the training program approved by the Board on August 28, 2020. **Possible Board decision to grant Pilot Trainee Training Program Captain Brett Nelson a continuance of the two-month leave of absence from the training program approved by the Board on August 28, 2020. 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.**

16. Discussion of pilot revenue losses due to reduction in vessel traffic caused by the COVID-19 pandemic. Consideration of the role of the Board, if any, in responding to the situation. **Possible Board decision on various alternative courses of action, including (1) creation of a committee of two or fewer Board members to facilitate negotiations between the pilots and stakeholders, possibly leading to presentation of a joint proposal by the pilots and stakeholders to the Legislature for a temporary rate increase; (2) Board initiation of an investigative hearing of pilotage rates limited to consideration of a temporary surcharge or other temporary rate increase and seeking presentation of evidence on that issue by persons directly affected by pilotage rates, possibly leading to a Board recommendation to the Legislature; (3) leaving to persons directly affected by pilotage rates the decision whether to seek, by petition, a pilotage rate hearing before the Board on issues of their choosing; and (4) other Board actions that may be suggested at the meeting.**

17. Consideration in closed session of formal written decision concerning the docking of the P/V STAR PRINCESS at San Francisco Pier 27 (Board Counsel Eagan)

At the September Board meeting, Vice President Hayes-White and Commissioners Carr, Hoppes, Nyborg, and Prada met in closed session to deliberate concerning the Incident Review Committee 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. The Board's decision was announced orally at the conclusion of the closed session. A draft written decision memorializing that decision has been prepared for the Board's consideration. **Under Government Code §11126(c)(3), the Board will go into closed session to consider the draft written decision.**

18. Incident Review Committee report on the T/V POLAR DISCOVERY (Committee Chair Connolly)

A presentation of the Incident Review Committee report on the event involving the allision of the T/V POLAR DISCOVERY with the T/V TORM RESILIENCE that was previously moored at the Richmond Long Wharf in Richmond on November 24, 2019. **Board deliberation of the Incident Review Committee's recommendations to the Board and determination regarding the event involving the T/V POLAR DISCOVERY. 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).**

19. Public comment on matters not on the agenda. (President Connolly)

20. Proposals for the next Board meeting agenda. (President Connolly)

21. Adjournment.