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| <p>Meeting Date: September 24, 2020</p> | <p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p> | <p>Page 1 of 17</p> |
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Board Members Present

Joanne Hayes-White, Vice President, Public Member
 Captain Robert Carr, Pilot Member (via telephone)
 David Hoppes, Dry Cargo Industry Member (via telephone)
 Captain Einar Nyborg, Pilot Member (via telephone)
 Captain Oscar Prada, Tanker Company Industry Member (via telephone)
 Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency
 (CalSTA) (via telephone)

Board Members Absent

Dave Connolly, President, Public Member
 Vacant, Public Member

Board Staff Present

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

Public Present (in person)

Knute Michael Miller, Past Board President; and Rex Clack, Esq.

Public Present (via telephone)

Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel;
 Captain Anne McIntyre, San Francisco Bar Pilots Business Director; Captain John Carlier, Acting
 Port Agent; Captain Steven Teague, SFBP; Brigadier General (Ret.) Chester L. Ward, MD;
 Captain William Benedict, BOPC Pilot Trainee; and Christopher Kieliger, Cox Wootton Lerner
 Griffin & Hansen LLP.

OPEN MEETING AGENDA

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

Vice President Hayes-White called the meeting to order at 9:30 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 August 27, 2020.

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Board members were presented with the draft minutes from the August 27, 2020, meeting. Commissioner Carr requested minor edits to the minutes. There was no further discussion.

MOTION: Commissioner Nyborg moved to approve the draft minutes of the meeting held on August 27, 2020, as amended. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

3. Public comment on matters on the agenda or not on the agenda.

There were no public comments.

4. President Announcements and Activities (President Connolly)

There were no announcements.

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 August 27, 2020.

Executive Director Garfinkle reported on the following:

- On August 30, 2020, he was advised that Captain Klaus “Nick” Niem had passed away. He noted that Captain Niem was very active in the local chapter of the Council of American Master Mariners (CAMM), was the President of the San Francisco Chapter of CAMM, and that Captain Niem was one of three Commission Investigators.
- On September 7, 2020, Board staff were notified that pensioner Captain Arnold Kelso passed away, and noted that Captain Kelso was a Board-licensed pilot from 1989-2017.
- Also on September 7, 2020, Board staff received a California Highway Patrol (CHP) press release titled, *Dedication to Highway Safety Earns CHP Commissioner Lifetime Achievement Award*, and noted that Commissioner Warren Stanley was awarded the American Association of Motor Vehicle Administrators (AAMVA) and the AAMVA Lifetime Achievement Award in Highway Safety – Law Enforcement.

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- Also, on September 7, 2020, he received an email from Marcus Kuck, Head of Claims for VHT of Hamburg, Germany, inquiring about the availability of the T/V POLAR DISCOVERY Incident Review Committee investigation report, and notified him that he will be included in the distribution of the investigation report when it is presented to the Board.
- On September 11, 2020, he and the California Department of Justice Deputy Attorney General Amber Wipfler met with Conte Cicala, the attorney for Princess Cruise Lines, Ltd., to discuss his objections to the Board’s subpoena. He noted that an agreement was made that the audio of the VDR will be available under certain confidential provisions.
- On September 10, 2020, he received an email from Captain Alferts, expressing his concerns over the medical assessment completion time. Captain Alferts reported that he had his annual physical assessment on July 23, 2020, and he has been checking with the University of California, San Francisco every two weeks for the status with no success. Board staff received Captain Alferts’ fit for duty (FFD) determination on September 15, 2020, almost 8 weeks after the physical assessment.
- Also, on September 10, 2020, he received an email from Captain Boriolo, also expressing his concern for how long his medical assessment was taking. Captain Boriolo reported that had his medical assessment completed on July 6, 2020, and has not yet received confirmation that he is FFD. Board staff received Captain Boriolo’s FFD on September 16, 2020, a little over 10 weeks after the assessment.

B) Report on pilot licensing matters since the Board meeting held on August 27, 2020.

Executive Director Garfinkle reported that since the August Board meeting, the Board issued licenses to Captains LeSieur, Alferts, and Boriolo.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the Board received a wire from SFBP for the surcharges collected in August 2020 in the amount of \$233,682,41, itemized as follows:

- Board Operations Surcharge: \$153,552.41
- Continuing Education Surcharge: \$ 26,340.00
- Pilot Trainee Surcharge: \$ 53,790.00

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:

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- The contract amendment with Artelia for a name change, and the two renewal contracts with the California State University Maritime Academy for pilot continuing education and the trainee training program selection exam have been approved by the Department of General Services and are fully executed. Staff will commence amending the contract with the Maritime Academy for pilot continuing education to amend the scope of work and budget from a 6-day class to a 5-day class.
- The Maritime Pilots Institute contractor completed the SEAIq navigation software training with five Board-licensees on September 9, 2020.
- The 2019 surcharge and pilotage audit conducted by the State Controller’s Office is wrapping up.
- Work is continuing on the manned model training provider procurement. Responses to the Request for Information were received from the six training providers and were reviewed with the Chair of the Continuing Education Committee. The next step will be for the Committee to review the documents and decide how to proceed with the procurement.

Assistant Director Cristia-Plant also reported that the Board applied for and received a \$1,200 grant from the State Compensation Insurance Fund. The grant covered all the Board’s pandemic-related costs for personal protective equipment and sanitation supplies purchased this year.

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

A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.

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

- Captain Carlier – September 11, 2019
- Captain Kirk – November 27, 2019
- Captain Martin – April 14, 2020
- Captain Kasper – June 11, 2020
- Captain Tylawsky – June 15, 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, mitigating measures are employed by the SFBP. He reported that mitigating 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.

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He reported that there are currently 54 licensed pilots, that there were 9 MRP exceptions in August, and that the shortest rest period was 10.2 hours.

B) Monthly report on SFBP ship piloting business activity.

For the month of August 2020, Acting Port Agent Carlier reported the following:

- P/V GOLDEN GATE was out of service on September 15, 2020, for planned maintenance.
- P/V CALIFORNIA was out of service on September 2, 2020, due to a generator problem.

Acting Port Agent Carlier reported that the billed vessel moves for August 2020 were as follows:

- Bar Crossings: 484 moves
- Bay Moves: 104 moves
- River Moves: 48 moves
- Total Moves: 636 moves
- Gross Registered Tons (GRT): 28.7 million

He also reported that when comparing 2020 year-to-date vessel move data with the same period in 2019, total moves were down 15.0% and GRT was down 13.6%.

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 September 16, 2020.

PEC Chair Captain Teague reported on the following:

- The PEC met on September 16, 2020, and in attendance were Committee members Captains Haggerty, Robinson, Slack, Wehr, and Teague.

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- The PEC provided Executive Director Garfinkle a report of trainee activity over the past month.
- Trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The seven current trainees include Captains Adams, Benedict, Deisher, Murney, Rogers, Stevens, and Weber. Captain Nelson is on a two-month leave of absence as granted by the Board. The range of time in the program for these trainees is 2 months to 20 months.
- Captain Stevens has his full unlimited federal pilotage endorsements on his federal mariner credentials, and is in the evaluation stage of the Pilot Trainee Training Program.
- Captains Adams, Benedict, Deisher, Murney, and Rogers are in the final stages of acquiring route trips, and are handling vessels in areas where they have their endorsements.
- The newest trainee, Captain Weber, is primarily observing on vessels and is starting to partially handle vessels.
- Several of these six trainees have resumed testing for pilotage routes with the U.S. Coast Guard. The PEC thanked those involved for facilitating the resumption of testing.
- 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 October 14, 2020, at 7:30 a.m. at the Board office.

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 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 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.

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There was no recommendation.

- E) Status report on the PEC’s written recommendation to the Board regarding the PEC’s determination made at its meeting held on August 19, 2020, to not recommend to the Board to grant trainee Captain David Burchard a Pilot Trainee Training Program certificate of completion.**

PEC Chair Captain Teague reported that the PEC is scheduled to meet on October 2, 2020, to continue work on a written recommendation to the Board to not grant trainee Captain David Burchard a certificate of completion from the Pilot Trainee Training Program. He stated that the PEC will inform Board staff when the statement ready for presentation to the Board.

- 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 stated that on September 8, 2020, he received a report of a pilot ladder deficiency that took place on September 3, 2020, prepared by Captain Casey Crowl. He noted the report stated that while embarking the M/V STRATEGIC VISION, the Captain Crowl noticed that the manila line on the combination ladder showed major deterioration and severe dry rot in many locations. He stated the report noted that the ship captain confirmed that he would obtain a new ladder before the vessel departed from San Francisco, and that he notified Port State Control of the ladder deficiency.

- 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 October 22, 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 Richmond 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 was contained on the deck of the T/V TORM RESILIENCE, and that no oil went into the water.

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Executive Director Garfinkle stated the investigation is complete and that the IRC is in the process of preparing its report, that the report was a difficult one to write, and that the U.S. Coast Guard had not yet completed its report on the incident either. He added that there is no danger to the public due to the delay in presenting this report.

MOTION: Commissioner Prada 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 October 22, 2020. Commissioner Hoppes seconded the motion.

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

ACTION: The motion was approved.

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 October 22, 2020.

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), and caused damage to the wooden structure of the pier. He reported that the report is not yet complete due to staff workload, and he requested an extension to present the IRC report at the October Board meeting. He added that there is no danger to the public due to the delay in presenting this report.

MOTION: Commissioner Prada moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V VINCENT GENESIS at the Board meeting to be held on October 22, 2020. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

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 October 22, 2020.

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Executive Director Garfinkle reported that on April 28, 2020, while making a shift from Berth 8 (SCK 8) to Berth (SCK 9) in Stockton, California, the M/V CHAMPION CONCEPT made unintended contact with the corner of the dock between the two berths. He stated that the vessel's shell plating was deflected, and there was concrete damage to the corner of the dock. He reported that the investigation is still ongoing, and he requested an extension to present the IRC report at the October 2020 Board meeting. He added that there is no danger to the public due to the delay in presenting this report.

MOTION: Commissioner Carr moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V CHAMPION CONCEPT at the Board meeting to be held on October 22, 2020. Commissioner Prada seconded the motion.

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

ABSTAIN: None.

ACTION: The motion was approved.

- 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 October 22, 2020.**

Executive Director Garfinkle reported that the M/V THALASSA AVRA, while moored at Oakland 37, suffered some damage due to interaction with passing vessels, the M/V HYUNDAI NEPTUNE and the M/V HANOVER EXPRESS. He reported the damage consisted of parted lines and possibly some contact with a container crane. He reported the investigation is still ongoing, and he requested an extension to present the IRC report at the October 2020 Board meeting. He added that there is no danger to the public due to the delay in presenting this report.

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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 THALALLSA AVRA at the Board meeting to be held on October 22, 2020. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

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 October 22, 2020.

Executive Director Garfinkle reported that on July 23, 2020, the M/V JIANGMEN TRADER interacted with the moored M/V STRATEGIC ALLIANCE at berth #6 in Pittsburg, California, causing the M/V STRATEGIC ALLIANCE to have two parted spring lines. He reported that the investigation is still ongoing, the 90-day deadline is October 20, 2020, and he requested an extension to present the IRC report at the October 2020 Board meeting. He added that there is no danger to the public due to the delay in presenting this report.

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V JIANGMEN TRADER at the Board meeting to be held on October 22, 2020. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

Executive Director Garfinkle reported that there was an incident on September 13, 2020, which took place after the Board agenda was sent out, involving the M/V INDIGO SILVA. He reported the M/V INDIGO SILVA was moving along the river upbound to Stockton, and hit the embankment near Light 32. He stated that there was no egress of water or injuries due to the event, and that the IRC and the U.S. Coast Guard both determined that this event was a “bump and go.” He stated the IRC discontinued the investigation because there was clearly no pilot error.

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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 July and August 2020.

Executive Director Garfinkle reported that the July 2020 Prevention/Response – San Francisco Harbor Safety Statistics reported that there were three loss of propulsion events, and that a U.S. flagged cargo ship was issued a Captain of the Port order because two crewmembers had tested positive for COVID-19.

Executive Director Garfinkle reported that the August 2020 Prevention/Response – San Francisco Harbor Safety Statistics reported that there were no loss of propulsion events.

12. Pilot Fitness Committee (Past President Miller)

A) Report on the Pilot Fitness Committee meeting held on September 21, 2020.

Pilot Fitness Committee Chair Miller reported to the Board that the Committee met on September 21, 2020, and discussed the current status of the administration of the pilot fitness determinations made by the physicians at the University of California, San Francisco. He said he is hopeful that there will be improvements on the timeliness of the determinations in the future. He also reported that the pilot fatigue regulations are a work in progress, and that the Committee made additional changes to the pilot fitness regulation amendments previously approved by the Board for the Board's consideration at this meeting.

B) Report on the Committee's review of modifications previously approved by the Board and newly proposed modifications (and accompanying forms) to the Board pilot and trainee fitness regulations in Title 7, California Code of Regulations sections 217-217.45. Possible Board action to approve newly proposed draft modifications (and accompanying forms) to Board pilot and trainee fitness regulations in Title 7, California Code of Regulations sections 217-217.45, and to commence rulemaking. (Committee Members and Board Staff)

Board Counsel Eagan reported that the Board's pilot and trainee fitness regulations were overhauled by the Board and new regulations put in place in 2014, and that after several years of implementation of the new regulations, the Board last spring approved for submission to the Office of Administrative Law further proposed amendments to the pilot and trainee fitness regulations. Since that time, he stated that there was a need to make a few additional changes, including a new form for drug test reporting. He noted that the title of this form may change slightly from the version presented to the Board.

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Assistant Director Cristia-Plant discussed the changes between the current fitness forms and the proposed fitness forms, and noted that Board staff still needs to make additional minor, technical amendments to the proposed forms for compliance with current state forms policies.

Board Counsel Eagan described the documents contained in the rulemaking package, including a Notice of Proposed Rulemaking, an Initial Statement of Reasons, Express Terms, an Economic and Fiscal Impact Statement, and the proposed forms. He noted that there is no economic or fiscal impact connected to the proposed regulations.

MOTION: Commissioner Nyborg moved that the Board approve the newly proposed draft modifications and accompanying forms to the Board’s pilot and trainee fitness regulations contained in Title 7, California Code of Regulations sections 217-217.45, subject to Board staff making minor, technical modifications to the related forms, and direct Board staff to commence rulemaking. Commissioner Hoppes seconded the motion.

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

ACTION: The motion was approved.

Committee Chair Miller expressed his sincerest thanks to the Pilot Fitness Committee for their efforts creating the existing fitness regulations, and their continued work on the regulation updates.

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.

SFBP Business Director Captain McIntyre reported that the navigation equipment purchases have been completed and five of the pilots have received training on the new software. She also added that the SFBP is closely monitoring billing of the Navigation Technology Surcharges so as not to exceed the Board-approved \$1.2 million amount, and that \$1,095,000 had already been billed as of the date of the Board meeting.

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14. Incident Review Committee follow-up incident report on the P/V STAR PRINCESS (Committee Chair Connolly)

A follow-up presentation of 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. Continued Board deliberation of the Incident Review Committee’s recommendations to the Board and determination regarding the event involving the P/V STAR PRINCESS. 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 reported to the Board that the IRC was successful in obtaining the voyage data recorder (VDR) data subject to the data being confidential. Executive Director Garfinkle stated that there were 9 WAV files totaling about 27 hours of audio, and that he narrowed down the relevant communications to about nine minutes. He stated that he thought the most relevant audio transmission could be narrowed down to about a 30 second clip. He stated that there was a lot of background noise that possibly an audio expert could eliminate.

The pilot’s counsel, Mr. Clack, commented that the words and tone on the VDR, in his opinion, did not alert anyone on the bridge to be concerned about the tug’s location. Executive Director Garfinkle stated that the IRC did not have anything further to add to its report previously submitted to the Board.

Commissioner Nyborg proposed the Board go into closed session after other open session meeting items are considered by the Board to hear the relevant audio transmission, and Commissioner Prada agreed. Commissioner Prada also thanked Executive Director Garfinkle for his efforts to obtain the VDR.

15. 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).

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Executive Director Garfinkle stated that no action was necessary as the Board approved an extension of this IRC report in agenda item 10A.

16. Board discussion of the current and forecasted state of shipping activity in the Board’s jurisdiction, the potential impacts to pilot revenue, pilot and shipping industry business operations and public safety, and possible Board actions.

Commissioner Hoppes acknowledged that the pilots have had reduced revenue due to the pandemic, and stated that he would like the Board to find a way to assist the pilots. He stated that he is not necessarily recommending for a rate hearing, but that he wants to acknowledge the problem and find a solution. Commissioner Nyborg commented that he is not certain, as a Board member, what tools are available for the Board to address the pilots’ fiscal problem.

Board Counsel Eagan stated that there is no authorization for the Board to approve a surcharge to address the pilots’ revenue issue, and noted that the Board’s authority in statutes to approve a pilotage rate increase due to a catastrophic event must be in response to a catastrophic increase in the pilots’ costs. He added that the Board does have the authority to call for a rate hearing that could result in a rate recommendation to the Legislature, and that the Legislature would have to pass legislation to achieve additional revenue to the pilots. Commissioner Nyborg stated that he would like the Board to call for a rate hearing to discuss a temporary pilotage rate increase. Both Commissioners Nyborg and Carr expressed a desire to discuss the pilots’ fiscal issues in a public forum.

Vice President Hayes-White stated that if the Board is to call a meeting to discuss options available to the Board regarding assisting the pilots with a pandemic-related revenue problem, then the agenda needs to be detailed and contain action items for the Board to consider. Executive Director Garfinkle stated that the Board could agendize the issue at a separate Board meeting no sooner than 10 days from this meeting, and that the Board could narrow the scope of a rate hearing if it desired to do so. Commissioner Nyborg clarified that he is proposing that the Board consider whether to initiate a rate hearing at such a meeting.

Commissioner Hoppes stated that he is not certain that he would vote for the Board to call for a rate hearing, but acknowledged that there is a problem that needs to be addressed. He stated that it appears the pilots will have about a \$10 million revenue shortfall this year, and is concerned that the Board is not doing anything about it. He stated that there appears to be two fiscal options—a temporary COVID surcharge, or a temporary rate increase—and that he preferred the former as it would be easier to track.

Mr. Jacob expressed a concern that the Board has jumped to wanting to call for a rate hearing without adequate discussion, and that the topic of a rate hearing is not on today’s agenda. He commented that it was frustrating and upsetting that at the last Board meeting at which SFBP President Long commented that PMSA was not operating honestly in discussions with the

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pilots about their fiscal issues, that something is amiss, and he questioned why the SFBP is not calling for a rate hearing on its own. He noted that Oakland's vessel calls are up. He also commented that there is no Board staff report on the need for a rate hearing, and that it appears the Board is jumping to a solution with a problem statement. He also commented for the record that PMSA proposed a cashflow solution involving the Board Operations Surcharge, and that PMSA is willing to continue a dialogue with the pilots, but the pilots have not been forthcoming.

Vice President Hayes-White noted that Commissioners Hoppes and Nyborg requested a separate Board meeting to have a discussion on how the Board could proceed to assist the pilots with their revenue problem. The Board agreed to meet on October 7, 2020, and Board Counsel Eagan confirmed that Board staff would craft an agenda item broad enough to allow the Board to consider various options. Commissioner Hoppes agreed that a discussion was warranted, and encouraged the pilots to continue to discuss the issue with the rate payers.

17. Board Discussion of pilot continuing education scheduling changes due to the current pandemic, and possible alternatives to the implementation of the program to mitigate the impact on pilot operations.

Executive Director Garfinkle stated that this agenda item was at the request of Commissioner Carr, who has a concern about pilot continuing education training and potential pilot power issues this fiscal year. He reminded the Board that the spring combination course training at the California State University Maritime Academy (CMA) was cancelled, as were both the June and September manned model classes at Artelia. He stated that he is currently in discussions with CMA regarding whether there is an instructor and a classroom for the November 2020 combination course class, and that the two cancelled Artelia classes have been scheduled for May and June in 2021.

Commissioner Carr expressed a concern about pilot power capacity if two combination course classes and two manned model training classes are held in spring/late spring of 2021. He expressed a desire for the Board to consider requesting an Executive Order or other action to waive the pilot training requirement for pilots unable to train because of restrictions due to COVID-19. Commissioner Nyborg concurred with Commissioner Carr's comments.

Commissioner Carr also expressed a concern about the low number of licensed pilots due to recent retirements. He requested the President to instruct Pilot Power Committee review the status of pilot power.

18. Presentation of the proposed Board meeting calendar for 2020. Possible Board action to approve a Board meeting calendar for 2021.

Board members were presented with the proposed Board meeting calendar for 2021.

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Executive Director Garfinkle reminded the Board that Board meetings are generally on the 4th Thursday of the month, except in November and December due to the holidays, and that this was the usual practice.

MOTION: Commissioner Nyborg moved to approve the Board meeting calendar for 2021. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

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

There were no comments from the public.

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

The Board agreed to schedule a Board meeting on October 7, 2020, to provide the Board an opportunity to consider various options the Board could review to assist the pilots with their pandemic-related fiscal issues.

Vice President Hayes-White called for a short recess, and stated the Board would reconvene in closed session to listen to confidential audio files from the P/V STAR PRINCESS and deliberate further concerning this incident.

RECESS: 11:38 a.m.

END RECESS: 11:45 a.m.

CLOSED SESSION BEGAN: 11:45 a.m.

OPEN SESSION RESUMED: 12:48 p.m. (Commissioner Hoppes left the meeting at 12:48 p.m.)

Board Counsel Eagan reported out of closed session that the Board accepted the IRC's recommendation in its report on the P/V STAR PRINCESSSES with minor changes. He stated that the Board listened to certain relevant segments of the VDR, and that after deliberation, the Board made a finding of no pilot misconduct, that the IRC report should serve as a "lesson learned" by requiring the Port Agent to place the IRC report on the SFBP's website with a direction to all pilots to read it and requiring Captain Favro to make an oral presentation to pilots, and that the case be closed without further action. He stated that he

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will prepare a written report of the Board's decision for the Board to review and approve at a future Board meeting.

Commissioner Nyborg thanked Executive Director Garfinkle for obtaining the VDR, and Commissioner Prada requested the IRC to obtain all possible evidence in future investigations, although he acknowledged that the additional evidence did not change the IRC's principal recommendation in the P/V STAR PRINCESS incident.

21. Adjournment.

Vice President Hayes-White adjourned the meeting at 12:53 p.m.

Submitted by:



Allen Garfinkle
Executive Director