

<p>Meeting Date: November 12, 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

Dave Connolly, President, Public Member
 Joanne Hayes-White, Vice President, Public Member (via telephone)
 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

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)

Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent; Captain Anne McIntyre, SFBP Business Director; Captains Steve Teague, Mark Haggerty, and David McCloy; SFBP; Amber Wipfler, Department of Justice (DOJ) Deputy Attorney General; Jennifer Schmid, past Board President; and George Nowell, Esq.

Public Present (via telephone)

Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; past Board President Knute Miller; and Captain David Burchard, former BOPC Pilot Trainee.

OPEN MEETING AGENDA

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

President Connolly 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 October 22, 2020.

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Board members were presented with the draft minutes from the October 22, 2020, meeting. Commissioners Carr and Nyborg requested minor edits to the minutes. There was no further discussion.

MOTION: Vice President Hayes-White moved to approve the draft minutes of the meeting held on October 22, 2020, as amended. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, 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)

President Connolly stated that he continues to work with Board staff on Board meeting processes and procedures.

5. Board Member Announcements and Activities (Board Members)

Ms. Dougherty reported that CalSTA staff met with SFBP staff earlier in November, and have been copied on correspondence involving the shipping industry.

Commissioner Hoppes reported that he received mail from Tampa, Florida, regarding SFBP's September 2020 financial information involving receivables, and is not sure why he received the information.

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

A) Correspondence and activities since the Board meeting held on October 22, 2020.

Executive Director Garfinkle reported on the following:

- On October 23, 2020, Board staff received the PMSA *West Coast Trade Report* for October 2020.
- On October 24, 2020, Board staff received a copy of Marine Safety Bulletin (MSIB) 21-20, Recommendation for Pilot Transfer Arrangements.

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- On November 4, 2020, Board staff received the U.S. Coast Guard Policy Letter 20-03, dated October 29, 2020, concerning the carriage of lithium-ion batteries on small passenger vessels, in response to the fire aboard the dive boat CONCEPTION, and noted that pilot boats are vessels that should consider following the recommendations.
- Also on November 4, 2020, he received an email from Captain Favro, notifying him that he complied with the Board's requirement to present the lessons learned from the P/V STAR PRINCESS incident to the pilots. He stated that also received an email from the Port Agent, notifying him that the IRC report and subsequent Board decision were posted on the SFBP website, so that the documents are available to all licensees.
- On November 6, 2020, Board staff received MSIB 21-20, Change 2, Pilot Transfer Arrangements. He noted that this bulletin reminds owners and operators of the requirements of SOLAS Chapter V, Regulation 23, and it strongly recommends the following the International Maritime Organization (IMO) Resolution A. 1045(27), and includes a diagram of a properly rigged trapdoor arrangement.

Commissioner Nyborg commented that he is not concerned about fires on pilot boats due to overloading the electrical system from recharging electronic equipment since crew do not overload the many outlets aboard the vessels.

B) Report on pilot licensing matters since the Board meeting held on October 22, 2020.

Executive Director Garfinkle reported that since the October Board meeting, the Board renewed the license of Captain Lowe.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in October 2020 in the amount of \$212,450.71, itemized as follows:

- Board Operations Surcharge: \$143,230.71
- Continuing Education Surcharge: \$ 24,810.00
- Pilot Trainee Surcharge: \$ 44,410.00

D) Report on outstanding requirements of Board actions in response to Incident Review Committee reports.

Executive Director Garfinkle previously reported the Board-required follow up items for the P/V STAR PRINCESS, and that there were no other outstanding items to report.

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E) Report on legislative activities and contractual matters.

Executive Director Garfinkle stated that there were no legislative activities or contractual matters to report.

7. Confirmation of Port Agent appointment pursuant to Harbors and Navigation Code Section 1130 (President Connolly)

Possible Board action pursuant to Harbors and Navigation Code Section 1130 to confirm the November 4, 2020, Port Agent appointment by a majority of the pilots licensed by the Board.

President Connolly stated that the SFBP recently held an election for a new president/Port Agent, elected Captain Carlier to both roles. Commissioner Nyborg commented that he witnessed the election and can confirm the election results.

MOTION: Commissioner Nyborg moved to confirm the Port Agent appointment of Captain Carlier on November 4, 2020, by a majority of the pilots licensed by the Board. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

Vice President Hayes-White congratulated Captain Carlier on his new roles for the pilots, and thanked Captain Long for his service as Port Agent.

8. Port Agent's Report (Port Agent)

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

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 Kasper – June 11, 2020
- Captain Tylawsky – June 15, 2020
- Captain Livingstone – October 22, 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

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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.

He reported that there are currently 52 licensed pilots, that there were 13 MRP exceptions in October, and that the shortest rest period was 10 hours.

B) Monthly report on SFBP ship piloting business activity.

For the month of October 2020, Port Agent Carlier reported that P/V GOLDEN GATE was out of service for 10 days starting on October 20, 2020. He also reported that the P/V PITTSBURG was offline on October 29, 2020, for starboard main engine heat exchange repair and replacement, and that the vessel was not in service due to a crew shortage on October 30-November 1, 2020.

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.

9. Pilot Evaluation Committee (Captain Teague)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on November 4, 2020.

PEC Chair Captain Teague reported on the following:

- The PEC met on November 4, 2020, and in attendance were Committee members Captains Haggerty, Robinson, Slack, Wehr, and Teague.
- 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 eight current trainees include Captains Adams, Benedict, Deisher, Murney, Olmsted, Rogers, Stevens, and Weber. The range of time in the program for these trainees are from 1 month to 22 months.
- Captain Stevens has his full unlimited federal pilotage endorsements on his federal mariner credentials. Captain Benedict and Rogers have completed all testing and are

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- waiting for U.S. Coast Guard to issue the endorsements on their licenses. These three trainees are in the evaluation stage of the Pilot Trainee Training Program.
- Captain Deisher has completed all testing and is handling vessels as much as possible with the occasional observation trip to watch a licensed pilot perform their duties.
 - Captains Adams and Murney are in the final stages of acquiring route trips and are handing vessels in areas where they meet the present requirements.
 - Captain Weber is presently testing, observing, and acquiring route trips and beginning to handle.
 - Captain Olmsted is presently observing vessels while acquiring route trips and gaining familiarity with the program.
 - 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 December 2, 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) 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.

PEC Chair Captain Teague reported that the written recommendation to not issue a certificate to Captain David Burchard was presented to the Board at the October 2020 Board meeting.

President Connolly announced that the Board would conduct an adjudicated proceeding regarding its decision to issue a Pilot Trainee Training Program Certificate of Completion to Captain David Burchard.

Executive Director Garfinkle noted the following documents were previously provided to the Board:

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- His October 15, 2020, letter to Captain Burchard that attached the PEC written memo to the Board regarding its recommendation to not grant a certificate of completion to Captain Burchard.
- Captain Burchard's program performance statistics, monthly PEC scores and copies of monthly performance reports.
- PEC closed session minutes related to Captain Burchard. He noted that there was no PEC meeting in July 2020.
- Email correspondences from supervising pilots regarding Captain Burchard.
- The July monthly Benchmarks, Dock Sheets, and Pilot Rides reports also summarizing his program performance that was combined with the previous performance reports.

Board Counsel Eagan noted that the Board has been provided with a letter brief from Mr. Nowell in opposition to the PEC Recommendation regarding Captain David Burchard dated November 10, 2020.

Executive Director Garfinkle noted that the file for item 2 is corrupted and that he needs to send the omitted 2 pages to the Board members. Board Counsel Eagan suggested that the August PEC minutes be attached to Exhibit 1-A. Mr. Nowell and Ms. Wipfler confirmed that they have all the documents.

Ms. Wipfler reported that she is speaking on behalf of the Pilot Evaluation Committee (PEC), stated the committee declined to issue a certificate of completion to Captain David Burchard, and noted the following:

- The PEC members are subject matter experts and have completed their review of Captain Burchard. The PEC reviewed every job card and every grade assigned prior to making their recommendation to the Board. The PEC determined that Captain Burchard did not meet the consistency requirements as listed in the Board's regulations, and the PEC was not confident that he can safely pilot.
- The PEC shared correspondences between the supervising pilots with Captain Burchard, he was placed in the evaluation stage twice, and went to France for manned model training, all efforts designed to improve his performance.

Captain Teague introduced himself as the Chair of the PEC and noted that the committee is charged with overseeing the training and evaluation of trainees, and making pilot training program graduation recommendations to the Board. He has been on the PEC since April 2017, and was the PEC Chair since 2018. He received his pilot license in 2007. Captain Teague responded to Commissioner Prada and confirmed that the PEC vote to issue a certificate of completion to Captain Burchard was 1 committee member in favor and 4 members opposed.

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Mr. Nowell requested a recess. President Connolly called for a short recess.

RECESS BEGAN: 10:40 a.m.
OPEN MEETING RESUMED: 10:50 a.m.

Captain Burchard announced that he had no comments.

Mr. Nowell addressed the Board and made the following comments:

- Captain Burchard is still interested in becoming a pilot.
- He did not quit the program, is not sure how that conclusion came about, and fulfilled his three-year contract.
- He did not sign the contract amendment to extend the term of the contract by one year due to COVID19-related reasons.
- Captain Burchard was a master with Matson Navigation, a pre-requisite to enter into the Board’s pilot training program.
- Captain Burchard entered the final evaluation stage on April 15, 2020.
- Captain Burchard completed the last of the training on July 8, 2020, and has achieved the statutory monthly PEC evaluation score average of 4.0 or higher during the evaluation stage. He noted that Captain Burchard received comments from supervising pilots on his work that included phrases such as, “good work” and “pilot level work.”
- During Captain Burchard’s time in the training program evaluation stage, there were no concerns expressed in writing or to Captain Burchard that he was in danger of not successfully completing the Pilot Trainee Training Program.
- Captain Burchard rode with every PEC member and exceeded the minimum number of rides.
- As stated in the brief, until the PEC’s vote in August, there was no doubt in Captain Burchard’s mind that he had successfully completed the program.
- The PEC memorandum attached to Executive Director Garfinkle’s letter does not support the PEC’s recommendation, and includes descriptions of trips that were taken while Captain Burchard was in training, and did not solely focus on his performance in the evaluation stage. And, Captain Burchard never received a letter of warning or a suspension while in the program.
- Captain Burchard requests that the PEC’s memo and his brief not be public documents, especially since the PEC memo contains out of context information, and that most of the supervising pilot comments cited in the PEC memo related to Captain Burchard training stage as opposed to the evaluation stage and are irrelevant, and that the PEC memo should be given much less weight than the other training records provided to the Board.

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- The PEC members have not been consistent during Captain Burchard’s training, and the statues are meant to provide continuity to the training.

Commissioner Nyborg stated that the evaluation stage is when the trainee shows their independence in their work and adequate knowledge of the job. PEC Chair Teague stated that due to repeated need for coaching during the first evaluation stage, Captain Burchard was removed from the first evaluation stage, and that Captain Burchard was counseled each month and that the counseling was noted in the closed session minutes. He also stated that the PEC worked closely with Captain Burchard to ensure his success, and that the PEC put him back in the evaluation stage in April 2020 to give him an opportunity to succeed.

PEC Chair confirmed for Commissioner Prada and Board Counsel Eagan the amount of time each PEC member has been on the committee, that pilots must be licensed by the Board for at least 10 years to qualify to be a PEC member.

Ms. Wipfler stated that the Board’s regulations place no restrictions on the PEC’s recommendations to the Board, that there is no evidence that Captain Burchard has been treated differently than any other trainee, and that Captain Burchard did receive counseling from the PEC during his training.

Mr. Nowell stated that Captain Burchard has completed all of the requirements of the training program, and that he was treated differently because he completed the evaluation stage with the appropriate evaluation scores by the PEC members, was directed by the Executive Director to obtain a medical exam in preparation for being licensed by the Board, made arrangements for a buy-in to the SFBP before hearing anything from the PEC that they are not going to recommend him to receive a certificate of completion from the pilot training program. He concluded by adding that Captain Burchard requests the Board’s favorable review and the issuance of a certificate of completion from the Pilot Trainee Training Program.

President Connolly called for a recess, and for the Board to consider awarding Captain Burchard certificate of completion in closed session.

RECESS BEGAN: 11:39 a.m.
OPEN SESSION RESUMED: 11:49 a.m.
CLOSED SESSION BEGAN: 11:49 a.m.
OPEN SESSION RESUMED 12:47 p.m.

Board Counsel Eagan reported out of closed session that the Board deliberated on whether to issue Captain Burchard a certificate of completion from the Pilot Trainee Training Program,

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that there was a motion made to issue the certificate of completion, and that the motion failed. He stated that he would prepare a formal Board written discussion of the closed session, review it at the next Board meeting, and that once reviewed, the written decision would be the official decision of the Board.

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.

There was no recommendation.

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.

There was no recommendation.

**10. 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 stated that there were no safety standard violations to report on.

**11. 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 December 10, 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

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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.

Executive Director Garfinkle stated the investigation is complete, that the IRC is close to completing its report, and that the IRC is expecting to present its report at the December Board meeting.

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 December 10, 2020. Commissioner Carr seconded the motion.

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

ABSTAIN: None.

ACTION: The motion was approved.

The following agenda items were voted on together after Executive Director Garfinkle stated that the remaining IRC reports are still being worked on, and that due to staff workload, the reports are not yet complete.

- 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 December 10, 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 December 10, 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 December 10, 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**

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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 December 10, 2020.

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, M/V CHAMPION CONCEPT, M/V HYUNDAI NEPTUNE, and M/V JIANGMEN TRADER at the Board meeting to be held on December 10, 2020. Commissioner Nyborg seconded the motion.

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

ABSTAIN: None.

ACTION: The motion was approved.

12. 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 2020.

Executive Director Garfinkle reported that the Harbor Safety Committee is meeting concurrently with the November Board meeting, and that he will report on significant safety and security cases at the December Board meeting.

13. Pilot Boat Advisory Committee (Commissioner Carr)

A) Report on the Pilot Boat Advisory Committee meetings held on October 27, 2020 and November 10, 2020.

Committee Chair Carr reported that the Pilot Boat Advisory Committee met on October 27, 2020, and November 10, 2020, to discuss SFBP's request for Preliminary Authorization for replacement of the P/V GOLDEN GATE.

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 Preliminary Determination for the purchase of a replacement vessel for the P/V GOLDEN GATE, and eventual recovery of costs to the pilots, 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'

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Benevolent and Protective Association for a Preliminary Determination for the purchase of a replacement vessel for the P/V GOLDEN GATE, and eventual recovery of costs to the pilots, pursuant to Title 7, California Code of Regulations Section 236.1. (Commissioner Carr)

Committee Chair Captain Carr reported that Captain McCloy presented a detailed discussion of the need for and the design specifications for a new pilot boat to the Committee over the course of the two committee meetings. Captain McCloy then presented a condensed presentation on the specifications of the proposed pilot vessel at the Board meeting.

Committee Chair Captain Carr reported that the Committee spent considerable time discussing the main engines. He stated the proposed vessel includes U.S. Environmental Protection Agency (EPA) Tier 4 diesel engines, and stated that the California Air Resources Board (CARB) is proposing regulations that will require the Tier 4 engines for the horsepower required in the proposed pilot boat. He noted that the proposed CARB regulations effect our existing engines of 2009 year/model and earlier with a compliance date of 2024, and all newly built vessels on December 31, 2024". Committee Chair Captain Carr stated the Committee also discussed on how stringent CARB would be about enforcing the regulations and requested Captain McCloy to obtain documentation confirming that the proposed engines are EPA Tier 4 certified, and not just EPA compliant. He stated the SFBP proposed pilot vessel will be the first U.S. pilot boat with the cleaner Tier 4 engine installed. He stated the Committee discussed the need to have a spare engine and critical parts to prevent significant downtime while awaiting parts. The Committee also suggested to pursue a long-term warranty.

Captain McCloy then presented a condensed presentation on the specifications of the proposed pilot vessel at the Board meeting, and presented the following information to the Board:

- He, Captain McIntyre, and Mr. Covell have conducted research on pilot boats over a two-year period that included a review of shipyards, various pilot boat designs and specifications, and conducted tours of other pilot boats in use throughout the United States and Europe.
- The proposal is for Snow and Company to build a Camarc designed boat with Hamilton waterjet propulsion.
- The boat's capacity is the same as the GOLDEN GATE, with 2 crew members and up to 12 pilots, with accommodations to include several bunks with a galley and headspace.
- In addition to the Tier 4 engine, CARB regulations will require that exhaust aftertreatment, diesel particulate filters (DPF) will be required on commercial vessels starting in 2028, and that these upcoming regulations impact the design of the main

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engines.

- The pilot boat will use waterjet propulsion, which is better suited for pilot boats as there is no danger from an external propeller, it is safer in the event of a pilot in the water, and will allow the vessel to move more efficiently.
- The Snow shipyard is also on the west coast and will be easier for the SFBP to manage and oversee construction.
- The pilot boat will have a slightly different fendering and railing system but is roughly the same size as the GOLDEN GATE, and is the same price range.

SFBP Business Director Captain McIntyre reviewed the projected costs, with construction of the proposed pilot vessel at \$6.6 million. Total cost including financing and delivery is expected to be \$8,820,679. She also stated that financing discussions with the bank are ongoing and the numbers will be finalized when the SFBP requests a final authorization, as commented that the final authorization request will include a discussion of a credit for the salvage value of the P/V GOLDEN GATE.

Committee Chair Captain Carr reported that the Committee is making a recommendation to the Board to approve the request from the San Francisco Bar Pilots and the San Francisco Bar Pilots' Benevolent and Protective Association for a Preliminary Determination for the purchase of a replacement vessel for the P/V GOLDEN GATE, and eventual recovery of costs to the pilots in the amount of \$8,820,679.00.

MOTION: Commissioner Carr moved to approve the San Francisco Bar Pilots and the San Francisco Bar Pilots' Benevolent and Protective Association for a Preliminary Determination for the purchase of a replacement vessel for the P/V GOLDEN GATE, and eventual recovery of costs to the pilots in the amount of \$8,820,679.00. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

14. 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 training for the pilots on the new navigation technology software is going well, the new software is working well, and that she is projecting to stop the surcharge on or about November 20, 2020.

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

Board members were presented with the Condition and Valuation Surveys for the pilot vessels CALIFORNIA and DRAKE. Captain McCloy reported that there were two big issues identified for P/V DRAKE. He stated all the survey findings and recommendations for P/V CALIFORNIA have been resolved as reported to the Board, and that he will follow-up with the Board in the future on the survey findings and recommendations for P/V DRAKE. Mr. Covell reported that all the flares have been replaced on the Drake as recommended.

MOTION: Commissioner Nyborg moved to accept the Condition and Valuation Surveys for the Pilot Vessels CALIFORNIA and DRAKE, and that the San Francisco Bar Pilots report back to the Board when all of the outstanding survey findings and recommendations have been completed. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

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.

President Connolly noted that this agenda item has had considerable discussion, and provided a summary of the actions the Board has taken on this item including significant discussion of

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the statutory definition of catastrophic loss to be amended to include loss of revenue. Captain McIntyre stated that the SFBP is having discussions with stakeholders, and would like to proceed with these conversations with the new Port Agent.

Mr. Jacob confirmed that SFBP and the shipping industry are agreeable to further pilotage rate negotiations, and he thanked Captains Long and Carlier for their efforts in setting up another meeting date. He stated that there is no need for a Board action to change the pilotage rates at this time.

Both Commissioners Prada and Carr commented that they are willing to volunteer to assist with the discussions. Commissioner Hoppes also expressed an interest in the negotiations between SFBP and the industry.

Captain McIntyre reported that year-to-date ship movement is down 14% compared to 2019, and that if ship movements remain the same through the end of the year, the SFBP is expecting a \$6.5 - \$7 million revenue shortfall as compared to 2019. She also stated that January and February are typically slow months, that the SFBP is focusing on collections, and that the future is uncertain.

Board Counsel Eagan commented that he is concerned about board member communications and the Bagley-Keene Open Meeting Act, and encouraged Board members to contact him with questions.

Mr. Jacob thanked the Board for their efforts and discussions. He commented that the container industry is experiencing a momentary resurgence in activity, which has caused some equipment issues. He responded to Commissioner Nyborg and noted that the shortage of labor is not as bad in the Bay area compared to Los Angeles.

17. 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).

President Connolly stated that this agenda item has been presented earlier. There was no further discussion.

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

Mr. Covell reported that the other high priority survey finding and recommendation regarding the man overboard buoy for the P/V DRAKE as discussed by the Board in agenda item 15 has also been fixed.

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

President Connolly announced that agenda item 16 on the discussion of pilot revenue losses will be included on the December Board meeting agenda.

20. Adjournment.

President Connolly adjourned the meeting at 2:08 p.m.

Submitted by:



Allen Garfinkle
Executive Director