

<p>Meeting Date: January 28, 2021</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>VIRTUAL BOARD MEETING MINUTES</p>	<p>Page 1 of 18</p>
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Board Members Present

Joanne Hayes-White, President, Public Member
Jennifer Ferrera Schmid, Vice 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
Karen Tynan, Public Member
Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA)

Board Staff Present

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

Identified Public Present

Knute Michael Miller, past Board President; Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent; Captain Anne McIntyre, SFBP Business Director; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; and Captains Steven Teague and Drew Aune, SFBP; BOPC Pilot Trainees Captains Matthew Stevens, William Benedict, and Nicholas Rogers, Rogers family; Captain Amanda Wallace; Luis Cruz; and Chris Kralj.

OPEN MEETING AGENDA

1. Call to Order and Roll Call (Executive Director Garfinkle)

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. Board Officer Elections (Executive Director Garfinkle and Board Counsel Eagan)

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

Vice President Hayes-White reported that Commissioner Connolly’s term ended on December 31, 2020, and that the Board will need to fill his officer position. Board Counsel Eagan explained the process to elect officers, and that the Board typically has selected public members to fill the officer positions, that any Commissioner can hold either office, and that the Vice President can fill all of the duties of the President in the absence of the President.

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

Commissioner Carr stated that since all public members' spots are filled, he's comfortable holding officer elections. Commissioners Schmid and Tynan stated their support to holding elections.

MOTION: Commissioner Hoppes moved to elect Vice President Hayes-White as President of the Board. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

C) Board members to elect a Vice President of the Board, if determined necessary. Board action to elect a Vice President of the Board.

MOTION: President Hayes-White moved to elect Commissioner Schmid as Vice President of the Board. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

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

Board action to approve the minutes from the Board meetings held on December 10, 2020 and December 21, 2020.

Board members were presented with the draft minutes from the December 10, 2020, and the December 21, 2020, meetings. There was no discussion.

MOTION: Vice President Schmid moved to approve the draft minutes from the December 10, 2020, and the December 21, 2020, meetings as presented. Commissioner Prada seconded the motion.

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

ACTION: The motion was approved.

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

There were no comments from the public.

5. President Announcements and Activities (Board President)

President Hayes-White thanked everyone for the opportunity to serve as Board President. She welcomed Commissioner Schmid back to the Board member and Commissioner Tynan as a new Board member. She stated that there is an annual evaluation of the Executive Director's performance to be completed in February, and Commissioner Nyborg accepted the job of aggregating the Commissioner's executive director performance reviews. She also noted that the Board-approved 2021 Board Meeting Calendar will need to be amended since the November Board meeting is scheduled on Veterans' Day. Lastly, she noted that she assigned Vice President Schmid as the Chair of the Incident Review Committee (IRC).

6. Board Member Announcements and Activities (Board Members)

Vice President Schmid thanked the Board for electing her to the Vice President position. She was a Commissioner for the Board from 2013 to 2019, and is glad to be back. She stated that she is currently working as a Lieutenant with the Oakland Fire Department and is expecting to retire in May or June. She also stated that she had a meeting with Stephanie Dougherty of CalSTA on January 12, 2021.

Commissioner Tynan announced her delight with being appointed by Governor Newsom to the Board. She commented that she has a maritime background and has held a Master's license that included some San Francisco Bay pilotage endorsements, and that she currently practices law specializing in workplace safety issues. She also noted that she has board experience including school and museum boards, and she fosters dogs in her spare time.

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

A) Correspondence and activities since the Board meeting held on December 10, 2020.

- On December 14, 2020, he received a letter from Port Agent Carlier that explained why a vessel arriving in December 2020 was delayed by about four hours due to a lack of a rested pilot, and that the delay was coordinated in advance with the vessel's agent and had no impact on the vessel's port schedule.
- On December 18, 2020, Board staff received the PMSA *West Coast Trade Report* for December 2020.
- On December 31, 2020, Board staff received Maritime Safety Information Bulletin (MSIB) 08-20, Change 5, titled, COVID-19 – Mariner Credentials, which updated the extension of the Merchant Mariner credential endorsement, medical certificates, and

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course approvals to October 21, 2021, or one year from the initial expiration date (whichever is earlier).

- On January 21, 2021, Board staff received a copy of SFBP President Carlier’s letter, dated January 5, 2021, addressed to Governor Newsom requesting that the SFBP and its employees be added to the second COVID-19 vaccine priority phase.
- On January 27, 2021, Board staff received the PMSA *West Coast Trade Report* for January 2021.

B) Report on pilot licensing matters since the Board meeting held on December 10, 2020.

Executive Director Garfinkle reported that since the December Board meeting, the Board renewed the license of Captains Carlier, Robinson, Johnson, Pullin, Kellerman, and Ruff.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in December 2020 in the amount of \$225,629.31, itemized as follows:

- Board Operations Surcharge: \$146,629.31
- Continuing Education Surcharge: \$ 26,320.00
- Pilot Trainee Surcharge: \$ 52,620.00

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

Executive Director Garfinkle reported that there were no outstanding items to report.

E) Report on legislative activities and contractual matters.

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

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 Kasper – June 11, 2020
- Captain Greger – December 1, 2020

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- Captain Kirk – December 2, 2020
- Captain Haggerty – December 9, 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.

He reported that there are currently 51 licensed pilots, soon to be 3 more licensees, that there were 19 MRP exceptions in December, and that the shortest rest period was 8.3 hours. He explained that the short rest period was due to the dispatcher error. He reported that the pilot completed the job without incident, and that the new dispatch system will prevent these kinds of pilot assignment errors.

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

- Bar Crossings: 426 moves
- Bay Moves: 151 moves
- River Moves: 64 moves
- Total Moves: 641 moves
- Gross Registered Tons (GRT): 24.6 million

He also reported that when comparing 2020 year-to-date vessel move data with the same period in 2019, total moves were down 14.5% and GRT was down 16.1%.

B) Monthly report on SFBP ship piloting business activity.

For the month of December 2020, Port Agent Carlier reported that all pilot vessels are operating normally except for the P/V GOLDEN GATE that collided with an anchor chain of the M/V HONOURABLE HENRY JACKMAN on December 30, 2020, causing damage to the port propeller. He stated the propeller was replaced and the vessel was returned to service on January 19, 2021.

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.

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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 January 20, 2021.

PEC Chair Captain Teague reported on the following:

- The PEC met on January 20, 2021, and in attendance were Committee members Captains 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 included Captains Adams, Benedict, Deisher, Murney, Olmsted, Rogers, Stevens, and Weber. The range of time in the program for these trainees range from 3 months to 24 months.
- The U.S. Coast Guard (USCG) issued Captains Stevens, Benedict, and Rogers First Class pilotage endorsement's for unlimited tonnage on San Francisco Bay. These three trainees are in the evaluation stage of the Pilot Trainee Training Program, and are handling vessels as much as possible along with the occasional observation trip to watch a licensed pilot.
- Captain Deisher has completed all USCG federal license testing and is waiting for the full endorsements to be issued. He continues to handle vessels as much as possible.
- Captain Adams and Murney are in the final stages of acquiring route trips. Captain Murney is presently testing with the USCG, and both are handling vessels in areas where they meet the present federal license requirements.
- Captain Adams' progress in the Pilot Trainee Training Program slowed due to administrative issues with the USCG license testing administrators requesting documentation of additional sea time prior to allowing him to continue testing. Chair Captain Teague and Executive Director are working on a resolution.
- Captain Weber is presently testing with the USCG, acquiring route trips, and beginning to handle.
- Captain Olmsted is acquiring route trips and beginning to partial handle vessels in areas where he meets the present requirements.
- 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 February 17, 2021, at 7:30 a.m. at the Board office.

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Executive Director Garfinkle thanked Captain Teague for his efforts assisting trainees with their federal license endorsement testing process, and explained that the issue involves a testing requirement interpretation between the Regional Exam Center (REC) and the National Maritime Center (NMC) regarding a trainee's trips on vessels while holding a 1600 ton license. He commented that he expected this issue to be resolved in the near future, and will provide status updates to the Board.

B) Possible PEC Committee Chair recommendation to the Board to appoint a new PEC Committee member to a four-year term to replace Captain Mark Haggerty. Possible Board action to appoint a new PEC Committee member to a four-year term on the Pilot Evaluation Committee to replace Captain Mark Haggerty.

PEC Chair Captain Teague reported that Committee member Captain Haggerty has been a PEC member since June 2015, and has requested to leave the PEC principally due to his extended not fit for duty status. PEC Chair Captain Teague thanked Captain Haggerty for his service to the PEC.

PEC Chair Captain Teague stated that the Committee authorized him to recommend to the Board that Captain Drew Aune be appointed to the Committee for a four-year term. PEC Chair Captain Teague reported that Captain Aune graduated from the California State University Maritime Academy in 1990, and sailed as a third mate and second mate offshore with various shipping companies. He noted that Captain Aune worked a short time as a vessel operation superintendent before becoming a tug boat captain. As a tug captain, he noted that Captain Aune worked for various companies on the Bay conducting barge moves, ship assist, and tank vessel escort work, prior to entering the Pilot Trainee Training Program. Captain Aune became a Board licensed pilot in March 2009 and has served as an Operations Pilot for the SFBP.

Commissioner Nyborg thanked Captain Haggerty for his service to the PEC Committee, and thanked Captain Aune for volunteering to train pilot trainees.

MOTION: Commissioner Carr moved that the Board appoint Captain Drew Aune to a four-year appointment to the Pilot Evaluation Committee. Commissioner Nyborg seconded the motion.

VOTE: YES: Haye-White, Carr, Hoppes, Nyborg, Prada, Schmid, and Tynan.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

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- C) 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.

- 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.**

PEC Chair Captain Teague reported that the PEC concluded its training of Captain Matthew Stevens at its meeting on January 20, 2021, and determined that Captain Stevens successfully completed all elements of Section 214(c) and (h) of the Pilot Trainee Training Program requirements listed in the Board's regulations. PEC Chair Captain Teague provided the following data:

- Captain Stevens entered the Pilot Trainee Training Program on January 15, 2019.
- Since that time, Captain Stevens completed a total of 724 training jobs with the San Francisco Bar Pilots, of which 181 were as an observer and 543 were handled or partially handled in which Captain Stevens directed the navigation and control of the vessel.
- Captain Stevens completed 151 training jobs with PEC members, 34 of which were in the previous 90 days.
- As required by regulation, Captain Stevens maintained an average PEC evaluation score of 4.0 or greater in each of the last three months, resulting in a three-month average score of 4.24.
- The PEC determined that Captain Stevens has successfully completed the Pilot Trainee Training Program, and recommended that the Board issue Captain Stevens a Certificate of Completion from the program, effective January 28, 2021.

PEC Chair Captain Teague reported that the PEC also concluded its training of Captain William Benedict at its meeting on January 20, 2021, and determined that Captain Benedict successfully completed all elements of Section 214(c) and (h) of the Pilot Trainee Training Program requirements listed in the Board's regulations. PEC Chair Captain Teague provided the following data:

- Captain Benedict entered the Pilot Trainee Training Program on August 13, 2019.
- Since that time, Captain Benedict completed a total of 571 training jobs with the San Francisco Bar Pilots, of which 148 were as an observer and 423 were handled or

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- partially handled in which Captain Benedict directed the navigation and control of the vessel.
- Captain Benedict completed 96 training jobs with PEC members, 28 of which were in the previous 90 days.
 - As required by regulation, Captain Benedict maintained an average PEC evaluation score of 4.0 or greater in each of the last three months, resulting in a three-month average score of 4.22.
 - The PEC determined that Captain Benedict has successfully completed the Pilot Trainee Training Program, and recommended that the Board issue Captain Benedict a Certificate of Completion from the program, effective January 28, 2021.

Last, PEC Chair Captain Teague reported that the PEC concluded its training of Captain Nicholas Rogers at its meeting on January 20, 2021, and determined that Captain Rogers successfully completed all elements of Section 214(c) and (h) of the Pilot Trainee Training Program requirements listed in the Board’s regulations. Captain Teague provided the following data:

- Captain Rogers entered the Pilot Trainee Training Program on August 13, 2019.
- Since that time, Captain Rogers completed a total of 507 training jobs with the San Francisco Bar Pilots, of which 176 were as an observer and 331 were handled or partially handled in which Captain Rogers directed the navigation and control of the vessel.
- Captain Rogers completed 76 training jobs with PEC members, 27 of which were in the previous 90 days.
- As required by regulation, Captain Rogers maintained an average PEC evaluation score of 4.0 or greater in each of the last three months, resulting in a three-month average score of 4.27.
- The PEC determined that Captain Rogers has successfully completed the Pilot Trainee Training Program, and recommended that the Board issue Captain Rogers a Certificate of Completion from the program, effective January 28, 2021.

Executive Director Garfinkle confirmed for the Board that Captain Stevens, Benedict, and Rogers have completed all of the Pilot Trainee Training Program requirements. There was no further discussion and no comments from the Board or the public.

President Hayes-White thanked the trainees for their hard work during training, and thanked their families for supporting the trainees while they were in the program.

MOTION: Commissioner Nyborg moved that the Board award Captains Matthew Stevens, William Benedict, and Nicholas Rogers a Pilot Trainee Training Program Certificate of Completion. Commissioner Carr seconded the motion.

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VOTE: YES: Haye-White, Carr, Hoppes, Nyborg, Prada¹, Schmid, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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.

Executive Director Garfinkle reported that the Board received applications for licensing from Captains Matthew Stevens, William Benedict, and Nicholas Rogers. He stated that, with the exception of Captain Rogers, for which the Board was still awaiting a fit for duty recommendation from the Board’s physicians, the trainees met all of the Board’s requirements for licensure. He recommended to the Board, that since there are fewer than 60 pilots, a license can be issued to Captains Stevens and Benedict, and that the issuance of Captain Rogers’ license be conditioned on the Board’s receipt of a fit for duty determination from the Board’s physicians.

MOTION: Commissioner Carr moved that the Board issue a pilot license to Captains Matthew Stevens and William Benedict, and that the President is authorized to issue a license to Captain Rogers on behalf of the Board upon receipt of an unconditional fit for duty determination from the Board’s physicians. Vice President Schmid seconded the motion.

VOTE: YES: Haye-White, Carr, Hoppes, Nyborg, Prada¹, Schmid, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

President Hayes-White administered the oath of office to Captains Stevens, Benedict, and Rogers.

President Hayes-White called for a short recess.

RECESS BEGAN: 10:51 a.m.
RETURN TO OPEN SESSION: 11:00 a.m.

¹ Commissioner Prada had technical difficulties during the vote for this agenda item. However, he voted when he was able to later reconnect to the meeting.

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**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 Garfinkle 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.)**

Executive Director Garfinkle requested that the Board grant extensions to the Incident Review Committee (IRC) to present its investigation reports to the February Board meeting for the following four events at the same time, and provided a short summary of the status of each IRC report. He responded to Commissioner Prada and confirmed that there is no danger to the public due to the delay in presenting these reports.

A) 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 February 25, 2021.

Executive Director Garfinkle reported that there was minor damage from this event, the IRC report is being prepared with the assistance of a Commission Investigator, and that the IRC’s report is expected to be presented at the February 2021 Board meeting.

B) 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 February 25, 2021.

Executive Director Garfinkle reported that there was minor damage from this event, and that the IRC report is being prepared with the assistance of a Commission Investigator.

C) Status report on the event involving an interaction between the M/V HYUNDAI 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 HYUNDAI NEPTUNE and the M/V HANOVER report at the Board meeting to be held on February 25, 2021.

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Executive Director Garfinkle reported that there was damage to two vessels and possibly a crane in this event, and that the investigation and report preparation are in progress. He added that there may be additional investigations work needed prior to the completion of the IRC report.

D) 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 February 25, 2021.

Executive Director Garfinkle reported that there was minor damage from this event, and that the investigation and report preparation are in progress.

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 February 25, 2021. Vice President Schmid seconded the motion.

VOTE: YES: Haye-White, Carr, Hoppes, Nyborg, Prada, Schmid, and Tynan.
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.

Executive Director Garfinkle reported that the November 2020 Prevention/Response – San Francisco Harbor Safety Statistics report included a description of the loss of steering and three loss of propulsion events involving foreign flagged vessels, and that the December 2020 report noted that there was one reduction in propulsion and three loss of propulsion events involving foreign flagged vessels. He also noted that the December 2020 report included a description of a foreign flagged vessel that allided with a pier in Eureka, California, and that a pilot vessel struck the anchor chain of a vessel while shifting berths in the San Francisco Bay. He confirmed for Commissioner Carr that the reports did not indicate that any of the reported events were due to fuel switching.

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13. Manned Model Contract Amendment (Executive Director Garfinkle/Executive Director Cristia-Plant)

Review and approval of an amendment to the manned model training contract with Artelia to extend the contract by one year, and to amend the contract budget with no increase to the contract amount. Possible Board action to approve an amendment to the manned model training contract with Artelia to extend the contract by one year, and to amend the contract budget with no increase to the contract amount.

Assistant Director Cristia-Plant reported that due to the pandemic, the Board was not able to send pilots to France for manned model shiphandling training in 2020, and that the current contract for manned model shiphandling training services with Artelia will expire on June 30, 2021. Assistant Director Cristia-Plant stated that Board staff recommend extending the contract with Artelia by one year, and moving funds within the contract budget to finance the additional year. She noted that Artelia management has agreed to extend the contract extension with no change in contract pricing, and that due to the contract amount, the amendment does not fall within the Executive Director’s contract delegation.

MOTION: Commissioner Nyborg moved that the Board approve an amendment to the manned model shiphandling training contract with Artelia to extend the contract by one year, with no increase to the contract amount. Vice President Schmid seconded the motion.

VOTE: YES: Haye-White, Carr, Hoppes, Nyborg, Prada, Schmid, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

14. Pilot Power Committee (Committee Chair Carr)

A) Report on the Pilot Power Committee meeting held on January 26, 2021.

Committee Chair Captain Carr reported that the Pilot Power Committee met on January 26, 2021, reviewed the results of the Pilot Retirement survey that was conducted in January 2021, and also discussed the report submitted to the Board by the San Francisco Bar Pilots that contained information required in Title 7, California Code of Regulations, §237(d).

B) Report to the Board of the results of a Pilot Retirement Survey conducted in January 2021. Possible Board action to contract with one or more pilot trainees for participation in the Pilot Trainee Training Program.

Committee Chair Captain Carr reported that there are currently 54 pilots counting the

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newly graduated trainees, 5 trainees in the Pilot Trainee Training Program, and 12 pilots projecting to retire in the next 3 years. He stated that the Committee discussed recommending to the Board to keep the Pilot Trainee Training program at 8 trainees consistent with the current standing order to Board staff given that three new trainees will be starting the pilot trainee program in the next month or so, and that the Pilot Evaluation Committee should not take on too many new trainees at the same time.

Committee Chair Captain Carr noted that the Committee intends to monitor the number of licensed pilots, and will meet in advance of the next regularly scheduled Pilot Power Committee meeting in July, if necessary. He also noted that he intends to work with Board staff to amend the retirement survey to include information on pilots who are considering turning in their BOPC license prior to being able to receive retirement benefits.

15. Pilot Safety Committee (Committee Chair Carr)

A) Report on the Pilot Safety Committee held on January 26, 2021.

Committee Chair Captain Carr reported that the Committee met on January 26, 2021. He reported the Committee discussed safety issues with trap doors during pilot transfer arrangements, the United States Coast Guard Maritime Safety Information Bulletin 21-20 change 2 “Recommendation for Pilot Transfer Arrangements”, specifically the trap door configuration, and the trap door recommendations contained in International Maritime Organization’s Resolution A. 1045(27).

B) Report to the Board of the Committee discussion of pilot safety and trap door pilot transfer arrangements. Possible Board action to pursue a dialog with shipping companies that transit the Board’s jurisdiction regarding the current use of trap door pilot transfer arrangements and compliance with International Maritime Organization Resolution A.1045(27).

Committee Chair Captain Carr reported that the Committee discussed that while the Board does not have any regulatory authority over vessels visiting the Board’s jurisdiction, that the Board could send a letter to ship agents, masters, ship operators and owners to encourage a review of a vessel’s pilot transfer accommodations, and encourage compliance with International Maritime Organization Resolution A.1045(27) when it comes to trap door arrangements. He stated that Board staff could work with the SFBP to send the letter.

MOTION: Commissioner Nyborg moved that the Board direct Board staff to compose a letter addressed to ship’s agents, masters, ship operators and owners reinforcing the United States Coast Guard Maritime Safety

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Information Bulletin 21-20 change 2, “Recommendation for Pilot Transfer Arrangements,” specifically the trap door configuration information, and that the letter indicate the Board’s support for vessels to incorporate the recommendations contained in International Maritime Organization’s Resolution A. 1045(27). Commissioner Prada seconded the motion.

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

ABSTAIN: None.

ACTION: The motion was approved.

16. Navigation Technology Equipment and Software Acquisition Update and Status of the Navigation Technology Surcharge (SFBP Business Director Captain McIntyre)

Status report on the SFBP’s navigation technology equipment and software implementation, and the status of the Navigation Technology Surcharge.

SFBP Business Director Captain McIntyre reported that SFBP has about \$1,300 left of the billed Navigation Technology Surcharge to collect, and expects to complete the surcharge billing collections in February.

17. Proposed Board Rulemaking Calendar for 2021 (Executive Director Garfinkle)

Discussion of draft 2021 Board Rulemaking Calendar for submission to the Office of Administrative Law. Possible Board action to accept the draft 2021 Board Rulemaking Calendar in compliance with Government Code Section 11017.6, and direction to Board staff to submit the 2021 Board Rulemaking Calendar to the Office of Administrative Law.

Executive Director Garfinkle presented the draft of the 2021 Board Rulemaking Calendar Schedule A: Proposed regulations Implemented Statues Enacted during the Year 2020, and Schedule B: Proposed Regulations Implementing Statues Enacted Prior to the Year 2020. He noted that the calendar is an estimate of the Board’s rulemaking activities for the year and is required by the Office of Administrative Law for its workload planning purposes. He stated the Board expects to pursue at least two major rulemaking endeavors this year involving pilot/trainee fitness and pilot fatigue issues.

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MOTION: Vice President Schmid moved to accept the 2021 Board Rulemaking Calendar as presented, and to direct Board staff to submit the 2021 Board Rulemaking Calendar to the Office of Administrative Law. Commissioner Carr seconded the motion.

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

ACTION: The motion was approved.

18. Review of the pilotage and surcharge audit report for the 2019 calendar year, dated March 17, 2020, prepared by the State Controller’s Office under contract with the Board.

(Executive Director Garfinkle/Assistant Director Cristia-Plant)

Assistant Director Cristia-Plant reviewed the State Controller’s Office (SCO) pilotage rates and surcharge audit for 2019. She reported that there are still issues with accurately charging the Pilot Trainee Training surcharge when trainees enter or leave the pilot training program, but that the errors that occurred in 2019 resulted in minimal erroneous charges. She noted that there we no other exceptions noted in the audit.

19. 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 Hayes-White stated that the Board has discussed the pilotage rate revenue reductions due to the pandemic over several meetings in 2020, and noted that the Board concluded that it was best if the stakeholders could reach consensus on a resolution satisfactory to all concerned and then jointly pursue a remedy.

Mr. Jacob reported that the SFBP and PMSA continue to have discussions on ways to address the revenue impacts of catastrophic events, and that the discussions have been productive and positive.

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It was decided to keep the agenda item on future Board agendas as an informational item only so that the Board could discuss progress made by the stakeholders on the topic.

20. Discussion of the of the current statutory pilotage rate-setting process found in Harbors and Navigation Code section 1190, and the possible formation of a committee of the Board by the President to review the current statutory pilotage rate-setting process.

Commissioner Carr commented that the pilots are interested in amending the pilotage rate setting process, and would like the Board to form a committee to discuss the issue at public board meetings. Board Counsel Eagan reminded Board members that if a Committee consists of three or more Board members, the committee is subject to the Bagley-Keene Open Meeting Act, but if there are only two members on a committee, there is no need to follow the stricter open meeting requirements.

President Hayes-White stated that she was amenable to forming a Board committee to consider the subject of the pilotage rate setting process. Executive Director Garfinkle commented that committees on one-issue topics are typically ad hoc committees. Commissioner Hoppes stated that forming a committee to review this subject makes sense, and suggested that Mr. Jacob be a committee member. Mr. Jacob stated that he believed it may pose a conflict for him to be on such a committee.

President Hayes-White stated that she will consider forming such a committee, and report back to the Board on what she decides at the next Board meeting.

21. Board Written Decision Concerning the M/V POLAR DISCOVERY Incident (Board Counsel Eagan)

Board consideration and action on a draft of the Board’s formal written decision following the Board’s decision at the December 10, 2020, meeting concerning the M/V POLAR DISCOVERY incident. The Board may go into closed session to consider this item under section 11126(c)(3) of the Government Code.

Board Counsel Eagan stated that he will review the Board’s official written decision on the IRC’s report concerning the M/V POLAR DISCOVERY incident presented to the Board at the December 10, 2020, Board meeting in closed session.

CLOSED SESSION BEGAN: 12:34 p.m.
RETURNED TO OPEN SESSION: 1:00 p.m.

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Board Counsel Eagan reported that the Board’s official written decision on the M/V POLAR DISCOVERY will be amended as discussed in closed session, and will be issued after it is signed President Hayes-White.

22. Incident Review Committee report on the M/V VINCENT GENESIS (Executive Director Garfinkle/Committee Chair)

A presentation of the Incident Review Committee 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. Board deliberation of the Incident Review Committee’s recommendations to the Board and determination regarding the event involving the M/V VINCENT GENESIS. 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 Hayes-White noted that this agenda item has been address under agenda item 11A.

23. Public comment on matters not on the agenda. (Board President)

There were no public comments.

24. Proposals for the next Board meeting agenda. (Board President)

President Hayes-White requested for Board staff to prepare certificate of appreciations for Commissioner Hoppes and past Board President Connolly.

25. Adjournment.

MOTION: Commissioner Prada moved to adjourn the meeting. Vice President Schmid seconded the motion.

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

ACTION: The motion was approved, and the meeting was adjourned at 1:06 p.m.

Submitted by:


Allen Garfinkle
Executive Director