

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 1 of 15</b></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  
Captain Einar Nyborg, Pilot Member  
Captain Oscar Prada, Tanker Company Industry Member  
Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA)

**Board Members Absent**

Karen Tynan, Public Member  
Vacant, Dry Cargo Industry Member

**Board Staff Present**

Allen Garfinkle, Executive Director  
Dennis Eagan, Board Counsel  
Brenda Pugh, Staff Services Manager I  
Alethea Wong, Administrative Assistant II

**Identified Public Present**

Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent; Captain Anne McIntyre, SFBP Business Director; Captains Eric Robinson, Michael Rubino, and Bruce Horton, SFBP; Knute Michael Miller, past Board President; Eusebio Fabia, California State Lands Commission; and Robert Booker.

**OPEN MEETING AGENDA**

**1. Call to Order and Roll Call (President Hayes-White)**

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 Hayes-White)**

**Board action to approve the minutes from the Board meeting held on May 27, 2021.**

Board members were presented with the draft minutes from the May 27, 2021, meeting. Executive Director Garfinkle reported that Board Counsel Eagan requested minor edits to the minutes, and that Vice President Schmid requested that a conversation between her and Port Agent Carlier regarding the status on the of the SFBP Peer Review Program, be included. The Board members decided to defer the approval of the minutes from the Board meeting held on May 27, 2021, to the next Board meeting scheduled for July 22, 2021.

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 2 of 15</b></p>
---	---	----------------------------

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

There were no public comments.

**4. President Announcements and Activities (President Hayes-White)**

President Hayes-White reported that California officially opened for business on June 15, 2021.

President Hayes-White announced that Pilot Fitness Committee member, General Ward, passed away in May 2021. She noted that he made significant contributions to the work of the Committee. She sends her condolences to General Ward's family.

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

Executive Director Garfinkle announced that Board staff can host in-person meetings if the Commissioners desire, but due to limited technical resources, the meetings can't be in a hybrid "in person" and "virtual" format. It can be in-person or virtual. Commissioner Prada noted that Commissioner Tynan may be able to provide more information about in-person meetings based on her work as a labor advocate, and he expects in-person meetings to be possible in September. Commission Nyborg agreed that having in-person meetings in September seems possible and reasonable, and notes that the Board should not rush this decision.

Vice President Schmid announced that her Senate Confirmation Hearing is later in the day at 1:30 p.m., and that she has completed her Senate Confirmation Interview on June 1, 2021.

**6. Directors' Report (Executive Director Garfinkle)**

**A) Correspondence and activities since the Board meeting held on May 27, 2021.**

Executive Director Garfinkle reported on the following:

- On May 28, 2021, Board staff received a copy of the SFBP and SFBP Benevolent and Protective Association Consolidating Financial Report for the year 2020.
- On June 3, 2021, Board staff received a letter from the Department of Finance approving the Board's request to increase the Board Operations Surcharge from 4.5% to 5%, effective July 1, 2021.
- On June 4, 2021, Board staff received the obituary for Brigadier General Chester L. Ward, MD, MPH. General Ward had a remarkable career. He served as an Army Airborne Ranger, then attended medical school at the University of Southern

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p align="center"><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p align="center"><b>BOARD MEETING MINUTES</b></p>	<p align="center"><b>Page 3 of 15</b></p>
---	---	---

- California, then was assigned to the 5<sup>th</sup> Special Forces, also known as the *Green Berets*. General Ward served two tours in Vietnam, attended the Naval School for Underwater Swimmers (Navy Scuba), and studied aviation medicine. His accolades include serving on the personal staff of Presidents Nixon and Ford as the White House Physician from 1971 to 1976. He retired while serving as Commander of Beaumont Army Medical Center in Fort Bliss, Texas. He also served as a medical consultant to the Central Intelligence Agency for two decades. He received the Distinguished Service Medal, the Legion of Merit, the Bronze Star Medal, the Air Medal, and the Army Commendation Medal. During his retirement, he actively served as a Pilot Fitness Committee member for over a decade and made significant contributions to the Board’s current medical regime and pending fatigue regulations.
- On June 5, 2021, Executive Director Garfinkle attended a memorial for Captain Arnold Kelso, a retired pilot. Captain Kelso, Unit 18, started as a pilot in 1989. Captain Kelso retired on October 1, 2017, and succumbed to cancer on September 7, 2020.
  - On June 9, 2021, Board staff received a letter requesting that Board staff participate in the State Employees Our Promise Campaign. Last year, the state raised more than \$5.3 million from 23,000 state employees. These funds support various non-profit organizations.
  - On June 21, 2021, Board staff received a copy of SFBP Port Agent Carlier’s letter addressed to Board President Hayes-White, proposing five changes to the Pilot Trainee Training Program Selection Examination process. The proposed changes included accepting applications from candidates (1) who have served 2 years (730 days) as chief mate on self-propelled vessels of not less than 1600 gross tons who also hold an unlimited tonnage master’s license; (2) who have served 365 working days as a full-time commercial pilot (not as a member of the crew), directing and controlling the movement of vessels of not less than 1600 gross tons in waters in which a pilot is required by state, federal, or foreign law, and hold, at a minimum, a 1600 ton master’s license; or (3) who have served two years in command of a towing vessel greater than 50 gross tons where the tug and tow combined are greater than 1600 gross tons. A fourth change would eliminate the service requirement that the two years of command time be accumulated “while holding a 1600 ton master’s license.” Finally, the exam process would be revised to include an interview for those candidates who pass both the written and simulator portions of the exam by a panel comprised of one public Board member, one industry Board member, one pilot Board member, and a representative from California Department of Human Resources. The exam scoring would be revised to reflect equal weight to each portion of the exam, including experience points, with the interview accounting for 25% of the total score.

**B) Report on pilot licensing matters since the Board meeting held on May 27, 2021.**

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p align="center"><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p align="center"><b>BOARD MEETING MINUTES</b></p>	<p align="center"><b>Page 4 of 15</b></p>
---	---	---

Executive Director Garfinkle reported that since the May Board meeting, the Board renewed the licenses of Captains Nyborg, Long, Haggerty, and Carr.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported that the SFBP wired to the Board the surcharges collected in MM 2021 in the amount of \$223,109.59, itemized as follows:

- Board Operations Surcharge: \$125,929.59
- Continuing Education Surcharge: \$ 26,620.00
- Pilot Trainee Surcharge: \$ 70,560.00

**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 Captain Kirk's one-year license suspension started on June 1, 2021.

**E) Report on legislative activities and contractual matters.**

Staff Services Manager I Pugh reported on Assembly Bill 807, authored by Grayson. The bill was passed by the Assembly on May 27, 2021, and is currently pending a hearing by the Committee on Government Oversight in the Senate.

Staff Services Manager I Pugh reported the following on contractual matters:

- The current manned model contract ends June 30, 2022. The Continuing Education Committee reviewed the criteria, and the Request for Proposal will be developed using this updated information.
- The amendment to current the San Francisco Bar Pilots contract is still pending review by the attorneys at the Department of General Services.
- A new interagency agreement with the Regents of the University of California for continued pilot and trainee medical assessments from physicians at the University of California San Francisco (UCSF) campus is under review by UCSF staff. The current contract with UCSF expires June 30, 2021.

**7. Port Agent's Report (Port Agent Carlier)**

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

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p align="center"><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p align="center"><b>BOARD MEETING MINUTES</b></p>	<p align="center"><b>Page 5 of 15</b></p>
---	---	---

Port Agent Carlier reported that the following pilots have been absent for medical reasons (AFMR):

- Captain Kasper – June 11, 2020
- Captain McCloy – April 20, 2021
- Captain Pyne Mercier – April 25, 2021
- Captain Alden – April 30, 2021

Port Agent Carlier 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 call in off-watch pilots.

He reported that there are currently 54 licensed pilots, that there were 26 MRP exceptions in May, and the shortest rest period was 10.1 hours.

Commissioner Carr thanked the Board for changing the June 2021 Board meeting so that SFBP can attend the U.S. Coast Guard Captain Change of Command Ceremony. He also requested that President Hayes-White form the Ad Hoc Working Group on Trainee Recruitment to meet again since the last Committee meeting was in 2013, and the Committee's involvement with any changes to the Pilot Trainee Training Program Selection Examination process will be beneficial. President Hayes-White agreed with the suggestion and stated that she will first do more research about the topic.

Port Agent Carlier responded to Commissioner Nyborg that he has not received any updates for Captain Kasper, who has been out for AFMR for a year.

**B) Monthly report on SFBP ship piloting business activity.**

For the month of May 2021, Port Agent Carlier reported normal operations for P/V CALIFORNIA, P/V PITTSBURG, and P/V SAN FRANCISCO. P/V DRAKE was in dry dock from 3/29/2021, to 4/13/2021. He also reported that P/V GOLDEN GATE was not in service to address port main engine overheating and replacement issues from 5/25/2021, to 6/10/2021.

Port Agent Carlier reported that the billed vessel moves for May 2021 were as follows:

- Bay Crossings: 444 moves
- Bay Moves: 150 moves

<b>Meeting Date:</b>  <b>June 23, 2021</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 6 of 15</b>
--	--	---------------------

- River Moves: 81 moves
- Total Moves: 675 moves
- Gross Registered Tons (GRT): 22.6 million

He also reported that when comparing 2021 year-to-date vessel move data with the same period in 2020, total moves were down 5.8% and GRT was down 16.9%.

**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 discussion of this item.

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

**A) Report on the Pilot Evaluation Committee (PEC) meeting held on June 16, 2021.**

PEC Committee Chair Captain Robinson reported on the following:

- The PEC met on June 16, 2021, and in attendance were Committee members Captains Aune, Ruff, Slack, Wehr, and Robinson.
- 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, Barnum, Murney, Olmsted, Pascucci, Sappington, Snapp, and Weber. The range of time in the program for these trainees range from 2 months to 21 months.
- Captain Murney received his first-class pilotage endorsement for unlimited tonnage upon San Francisco Bay by the U.S. Coast Guard. He is currently in the evaluation stage and continues to handle vessels as much as possible, with the occasional observation trip to watch a licensed pilot work.
- Captain Adams continues to handle and is waiting for the U.S. Coast Guard to issue him the full unlimited First-Class pilotage endorsement.
- Captain Weber has finished testing and is handling in areas where he meets the present requirements.
- Captains Barnum, Olmsted, Pascucci, Sappington, and Snapp are acquiring route trips and beginning to handle and part handle vessels in all areas.
- All trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.

<b>Meeting Date:</b>  <b>June 23, 2021</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 7 of 15</b>
--	--	---------------------

- The next PEC meeting is scheduled for July 21, 2021, 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 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.

**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.**

There was no recommendation.

**9. Reported Safety Standard Violations (Executive Director Garfinkle)  
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)**

Executive Director Garfinkle stated that there were no safety standard violations to report on.

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

**A) Status report on the event involving 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 EXPRESS report at the Board meeting to be held on July 22, 2021.**

<b>Meeting Date:</b>  <b>June 23, 2021</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 8 of 15</b>
--	--	---------------------

**B) 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 a parted spring line 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 July 22, 2021.**

**C) Status report on the M/V GLOBE PEGASUS allision with several pilings at Levin Terminal in Richmond, CA, on April 8, 2021. Possible Board action to grant the Incident Review Committee an extension to present the M/V GLOBE PEGASUS report at the Board meeting to be held on July 22, 2021.**

Executive Director Garfinkle reported that the incident report for M/V THALASSA AVRA is not yet available to present to the Board due to staff workload, and the investigation for M/V GLOBE PEGASUS is still ongoing. There is no danger to the public due to the delay in presenting the reports. He reported that the incident report for M/V STRATEGIC ALLIANCE will be presented under agenda item 19.

**MOTION:** Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V THALASSA AVRA and M/V GLOBE PEGASUS at the Board meeting to be held on July 22, 2021. Commissioner Prada seconded the motion.

**VOTE:** YES: Hayes-White, Schmid, Carr, Nyborg, and Prada.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

#### **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.**

Executive Director Garfinkle reported that the May 2021 Prevention/Response – San Francisco Harbor Safety Statistics report included four losses of propulsion and one reduction in propulsion.

#### **12. Finance Committee (Captain Nyborg)**

**A) Report of the Finance Committee Meeting held on June 3, 2021.**

<b>Meeting Date:</b>  <b>June 23, 2021</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 9 of 15</b>
--	--	---------------------

Committee Chair Nyborg reported that the Finance Committee met on June 3, 2021, reviewed the following: the Board's financial statements for the last fiscal year, the itemized budget for fiscal year 2020-21, financial information on surcharges set by the Board, and the San Francisco Bar Pilots Benevolent and Protective Association Consolidating Financial Statements for the calendar year ending on December 31, 2020.

**B) Finance Committee recommendations to the Board on the following Board surcharges:**

The below agenda items were discussed together.

1. **To adjust or not adjust the Board Operations Surcharge rate (currently 4.5% of all pilotage fees, and previously approved by the Board to increase to 5%, effective July 1, 2021). Possible Board action to adjust the Board Operations Surcharge rate.**
2. **To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently \$45 per move, and previously approved by the Board to increase to \$50/move, effective July 1, 2021). Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**
3. **To adjust or not adjust the Pilot Trainee Training Surcharge rate (currently \$15/trainee/move). Possible Board action to adjust the Pilot Trainee Training Surcharge rate.**

Executive Director Garfinkle confirmed for Committee Chair Nyborg that the Board had previously approved for the Board Operations Surcharge rate to increase from 4.5% to 5%, and he reported that it was approved by the Department of Finance. He added that these changes will become effective July 1, 2021.

Committee Chair Nyborg reported that there be no change to the Pilot Trainee Training Surcharge rate and will remain at \$15/trainee/move. He concluded that there is no Board action for these items.

**13. Ad Hoc Committee to Review the Pilotage Rate Setting Process (Captain Carr)**

**Report on the Ad Hoc Committee to Review the Pilotage Rate Setting Process meeting held on June 8, 2021.**

Committee Chair Captain Carr reported that the Committee met on June 8, 2021, to identify, discuss, and review various rate setting options that do not involve the Legislature, and noted that the Board currently having the Legislature involved has not been effective. The

<b>Meeting Date:</b>  <b>June 23, 2021</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 10 of 15</b>
--	--	----------------------

Committee requested for more information on the process when an administrative law judge is involved, and plan to meet again once Board staff have compiled relevant rate setting process documents from other pilot organizations.

#### 14. Pilot Continuing Education Committee (Captain Nyborg)

##### **Report on the Pilot Continuing Education Committee meetings held on June 8, 2021 and on June 21, 2021.**

**Committee reviewed the Minimum Technical Requirements for the providers of the manned-model training and reviewed and discussed revisions to the criteria for evaluating proposals for manned-model Requests for Proposals. Possible Board action to accept revisions to Minimum Technical Requirements for manned-model providers and to accept changes to manned-model criteria for evaluating manned-model requests for proposals.**

Committee Chair Nyborg reported that the Committee met on June 8, 2021, and on June 21, 2021, to review the changes to the Mandatory Minimum Technical Requirements. The Committee discussed the possibility of obtaining a manned model provider through sole source, but it does not seem possible. Board staff will attempt to first use the sole source method, and if rejected, will process as a request for proposals.

Committee Chair Nyborg reported that the Committee had extensive discussions regarding item 3: *The facility must have a minimum of 40,000 square meters of lake area available for training.* The Committee members worked to quantify the requirement for 40,000 square meters by obtaining objective evidence of the area required by each simultaneously conducted on-the-water exercises.

Executive Director Garfinkle responded to Vice President Schmid that Board staff obtained requests for information from six manned-model providers, and that three of the manned-model providers will meet the requirements.

Commissioner Carr noted that it was important to include the change from 14,000 TEU ships to 18,000 TEU ships because the pilots are encountering container ships of this size.

**MOTION:** Commissioner Prada moved that the Board accept revisions to the Minimum Technical Requirements for manned-model providers and accept changes to the manned-model criteria for evaluating manned-model requests for proposals. Commissioner Carr seconded the motion.

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

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 11 of 15</b></p>
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**ACTION:** The motion was approved.

**15. Pilot Boat Advisory Committee (Captain Carr)**

**Report on the Pilot Boat Advisory Committee meeting held on June 10, 2021.**

Committee Chair Carr reported that the Committee met on June 10, 2021, and reviewed various options to address the financing for multiple boats that SFBP will need to replace and/or retrofit. The Committee also requested proposals from Board staff on how the surcharge can be set up to collect money and ensure that funds are dispersed appropriately. Currently, the process is for the boat to be built and paid for, then the surcharge is applied to recover the costs. Board staff will research if it's possible to start the surcharge sooner, rather than waiting until after the boat is finished being built. The Pacific Merchant Shipping Association (PMSA) wants to meet with the California Air Resource Board (CARB) to discuss the new CARB regulations. SFBP is trying to get a waiver so that the fleet will have time to be replaced and meet CARB's regulations.

SFBP Business Director Captain McIntyre reported that PMSA, CARB, and SFBP will be meeting in two days. She reported that the current boat is still in the building phase, and SFBP has made one change to the fuel tank so that the boat won't need to stop to refuel as often.

**16. Pilot Vessel Condition and Valuation Survey (Executive Director Garfinkle)**

**Review and acceptance of the Condition and Valuation Survey for the Pilot Vessel SAN FRANCISCO. Possible Board action to accept the Condition and Valuation Survey for the Pilot Vessel SAN FRANCISCO and making a finding that the vessel is safe and suitable for pilotage service.**

Executive Director Garfinkle reported that Board staff received a *Condition and Valuation Survey* for P/V SAN FRANCISCO. Port Agent Carlier confirmed that all recommendations from the *Condition and Valuation Survey* have been resolved. Port Agent Carlier also noted that with the CARB regulations, the fair market value of P/V SAN FRANCISCO with the proposed CARB changes is 50% less than without the proposed CARB changes.

**MOTION:** Commissioner Carr moved to accept the *Condition and Valuation Survey* for the Pilot Vessel SAN FRANCISCO. Vice President Schmid seconded the motion.

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

**ACTION:** The motion was approved, and the meeting was adjourned at 11:46 a.m.

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 12 of 15</b></p>
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- 17. Status report on the replacement of the P/V GOLDEN GATE, which the Board approved a Preliminary Determination for the purchase of a replacement vessel and eventual recovery of costs to the pilots in an amount of \$8,820,679.00 on November 12, 2020, and discussion of future pilot vessel needs of Board-licensees. (SFBP Business Director Captain McIntyre)**

SFBP Business Director Captain McIntyre did not have any additional information to report. Updates were already presented under agenda item 15.

- 18. Discussion of pilot revenue losses due to reduction in vessel traffic caused by the COVID-19 pandemic. (President Hayes-White)**

President Hayes-White announces that Mr. Jacob had already notified her and Executive Director Garfinkle that he has a schedule conflict and will not be able to attend today's Board meeting.

Port Agent Carlier reported that SFBP and PMSA had a meeting already and the discussions are progressing towards several ideas for potential short-term resolutions.

SFBP Business Director Captain McIntyre reported that many things are impacted and there is a new COVID-19 variant. About 25% of the ports are shut down. Some of the ship movements that were expected to come to the Bay end up being cancelled – the boats will skip the Bay and go to their next destination.

- 19. Incident Review Committee report on the M/V STRATEGIC ALLIANCE (Executive Director Garfinkle/Vice President Schmid)**

**A presentation of the Incident Review Committee report on the event involving the M/V JIANGMEN TRADER and the moored M/V STRATEGIC ALLIANCE causing the M/V STRATEGIC ALLIANCE to part a spring line at Berth #6 in Pittsburg on July 23, 2020. Board deliberation of the Incident Review Committee's recommendations to the Board and determination regarding the event involving the M/V STRATEGIC ALLIANCE and the M/V JIANGMEN TRADER. 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) and (e)(1).**

Executive Director Garfinkle presented the IRC report for M/V JIANGMEN TRADER and the moored M/V STRATEGIC ALLIANCE causing the M/V STRATEGIC ALLIANCE to part a spring line at Berth #6 in Pittsburg on July 23, 2020. He summarized the facts of the incident as follows:

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p align="center"><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p align="center"><b>BOARD MEETING MINUTES</b></p>	<p align="right"><b>Page 13 of 15</b></p>
---	---	---

- On the afternoon of July 23, 2020, the M/V JIANGMEN TRADER (hereinafter JIANGMEN TRADER) was enroute to the Port of Stockton, with Captain Laakso conning.
- The M/V STRATEGIC ALLIANCE (hereinafter STRATEGIC ALLIANCE) was alongside at Pittsburg, Berth 6.
- As the JIANGMEN TRADER passed Berth 6, where the STRATEGIC ALLIANCE was docked, interaction between the vessels caused the STRATEGIC ALLIANCE to be pulled away from the pier, parting a single spring line.
- There were no injuries to persons and no damage to the dock. None of the other ships moored in Pittsburg experienced any damage.
- The Incident Review Committee consisted of Commissioner Jennifer Ferrera Schmid as Chairman and Executive Director Allen Garfinkle.

Executive Director Garfinkle then discussed the public portions of the report, the evidence gathered by the IRC, and the IRC’s analysis of the incident, including whether the pilot was proceeding in a reasonable and cautious manner using the skill and care possessed by the average pilot similarly situated would have exercised, and whether Captain Laakso’s actions were reasonable and prudent and made using his best judgment. He presented the timeline and images.

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

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

Executive Director Garfinkle responded to Commissioner Prada that the vessel data recorder (VDR) was not obtained due to the minimal damage reported in this event, which didn’t warrant obtaining that resource, and that to obtain the VDR would require the U.S. Coast Guard’s involvement (the USCG did not investigate as this event was below the threshold for a “Serious Marine Incident”. He also responded to Commissioner Prada that he did not ask Captain Laakso if personal piloting units were used, but he was able to get the screenshot of the electronic chart display and information system (ECDIS). No other vessels were involved.

**MOTION:** Commissioner Prada moved to accept the Incident Review Committee’s recommendation to the Board on the M/V JIANGMEN TRADER incident that the Board find for no misconduct on the part of the pilot, and that the case be closed with no further action. Commissioner Carr seconded the motion.

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

<p><b>Meeting Date:</b>  <b>June 23, 2021</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 14 of 15</b></p>
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ABSTAIN: None.

**ACTION:** The motion was approved.

**20. Public comment on matters not on the agenda. (President Hayes-White)**

There was no public comment.

**21. Proposals for the next Board meeting agenda. (President Hayes-White)**

President Hayes-White will work with Board staff to have the Ad Hoc Working Group on Trainee Recruitment meet. SFBP Business Director Captain McIntyre commented that the next Pilot Trainee Training Program Selection Examination is scheduled for June 2022, and the rulemaking process can take a considerable amount of time, so SFBP has this as a high priority – if the changes aren't done, then any changes needed will have to wait for another 3 years.

Board Counsel Eagan commented that this is a significant change to the eligibility requirement and he is not sure what is the driving this change. He added that the addition of an interview would lead to many concerns such as: what types of questions can or cannot be used.

Executive Director Garfinkle thanked SFBP for their efforts in trying to diversify the pool of candidates and that changing the standards may create the possibility for improvement, but he is concerned about adding the interview, as the Board was previously sued due to a biased interview process. He added that Board staff will check with the California Department of Human Resources (CalHR) about the interview portion to ensure that the process remains fair. He also added that due to the large amount of work to make these changes, he is not sure if it's possible to complete the changes within the time remaining prior to advertising for the exam. He suggested if the Board considers postponing the exam, it will leave the Pilot Trainee Training Program without a candidate list for a period of time.

Commissioner Carr reported that SFBP have been doing outreach for the past six years and have determined that the regulations as written are limiting potential candidates and SFBP wants to make changes that will provide additional opportunities. He also added that any concerns can be discussed at the committee level and that SFBP personnel have met with CalHR and discussed the possibility of adding an interview element.

Vice President Schmid noted that it is important to form the committee soon because her Senate interview focused heavily on diversity. She and Commissioner Prada are both interested in being on the Committee.

Commissioner Nyborg noted that diversity was also a topic during his Senate confirmation

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interview and during his final interview. He didn't perceive much has been done to improve diversity, but attempts have been made. He wants to help the Committee, but doesn't want to be a Committee member, and suggested that Commissioner Carr be on the Committee.

Commissioner Carr stated he is willing to be on the Committee, and suggested that Vice President Schmid be the Committee Chair, which she accepted. President Hayes-White and SFBP Business Director Captain McIntyre are also interested in following the work of the Committee.

**22. Adjournment.**

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

**VOTE:** YES: Hayes-White, Schmid, Carr, Nyborg, and Prada.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved, and the meeting was adjourned at 11:46 a.m.

Submitted by:

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

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