

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



2021

Annual Legislative Report

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

**Commissioners
(as of December 31, 2021)**

Joanne Hayes-White, President, Public Member
Jennifer Ferrera Schmid, Vice President, Public Member
Karen Tynan, Public Member
Captain Oscar Prada, Tanker Industry Member
Captain Einar Nyborg, Pilot Member
Captain Robert Carr, Pilot Member
David S. Kim, Secretary of the California State Transportation Agency
succeeded by Secretary Toks Omishakin (as of 2/28/2022)

Board Staff

Allen Garfinkle, Executive Director
Jennifer Barton, Assistant Director (as of 2/1/2022)
Brenda Pugh, Staff Services Manager I (Vacant as of 2/3/2022)
Alethea Wong, Administrative Assistant II

Report Date: April 15, 2022

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I. Introduction

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) – also known as the BOPC or Pilot Commission – licenses, trains, and regulates up to 60 maritime pilots (pilots or Board-licensees) who guide ships of 750 gross tons or greater on the Bays of San Francisco and Monterey, and tributaries to ports in Stockton and Sacramento. The pilots are organized for private business operational purposes as the “San Francisco Bar Pilots.”

The Board consists of eight members (also known as Commissioners), seven of whom are appointed by the Governor with the consent of the Senate, and one ex officio, non-voting member who is also a Governor appointee in a full-time state position as follows:

- Two are pilots licensed by the Board.
- Two are shipping industry members—one from the tanker industry and one from the dry cargo industry.
- Three are public members who are neither pilots nor work for companies that use pilots.
- The Secretary of the California Transportation Agency, who serves as the ex officio non-voting member.

The Board was created by the first legislative session of the new state of California in 1850 and has been serving continuously ever since. The current Board is a part-time board that meets monthly. The Board also has many committees that assist it with the review of important matters. Committees are made up of Board members and volunteers who may provide expertise on a specific subject. Committees meet at varying times during the year at public meetings and make recommendations to the Board. The Board is the decision-making body.

Statutory references to the Board can be found in the Harbors and Navigation Code §1100 *et seq.* Board regulations can be found in California Code of Regulations, Title 7, §201 *et seq.*

The Legislature, based upon a recommendation by the Board, sets pilotage rates that are charged by the Board-licensees for the delivery of pilotage services. Board-licensees also charge, collect, and remit or expend various surcharges as set and directed by the Board. These surcharges fund the Board’s operations and programs, pilot boats and navigation technology owned and used by Board-licensees, and the San Francisco Bar Pilot Pension Plan.

Section 1157.5 of the Harbors and Navigation Code was added by Senate Bill 1217 (2008), and mandates that the Board annually submit a report to the Secretary of the Senate, the Chief Clerk of the Assembly, and the Secretary of the California

Transportation Agency on or before April 15th of each year describing the Board's activities for the preceding calendar year, and providing certain specified information.

The statutory annual reporting requirements include the following data: the number of vessel movements across the bar (a sand bar approximately 11 miles west of the Golden Gate Bridge), on the bays, and on the rivers within the Board's jurisdiction; the names of pilots and trainees and license status; and, summaries of closed and open navigational incident or misconduct reports involving a pilot or pilot trainee. The following report is hereby submitted in compliance with the statutory requirements.

II. Summary of Major Board Activities in Calendar Year 2021

Below is a summary of major Board activities in calendar year 2021.

1. COVID-19 Pandemic and the Board

The novel coronavirus — also known as COVID-19 — became a declared pandemic in 2020, causing businesses and residents of the state to alter their daily lives. Since the maritime pilots licensed and regulated by the Board are essential workers, the work of the Board was also essential and continued throughout 2021.

In response to the pandemic Governor Newsom signed several Executive Orders to reduce the spread and mitigate the impacts of COVID-19. The following Executive Orders impacting the Board were in place during all or part of 2021.

Early in the pandemic, Governor Newsom signed Executive Order N-29-20 on March 17, 2020, in which certain provisions of the Bagley-Keene Open Meeting Act were suspended or waived during the State of Emergency that was declared by the Governor on March 4, 2020. This Executive Order allowed the Board to continue to hold public meetings without members being physically present or advertising the members' location in the meeting agenda.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 to extend the waiver of requirements that public meetings of state bodies occur in person through September 30, 2021. Subsequently, on September 16, 2021, Governor Newsom signed into law Assembly Bill 361 (AB 361), which provided additional flexibility for state bodies to conduct public meetings via teleconference through January 31, 2022. In light of the surge in cases due to the Omicron variant, and to protect the public health and safety, Governor Newsom signed Executive Order N-1-22 on January 5, 2022 to temporarily extend the option of conducting public meetings remotely beyond January 31, 2022. Executive Order N-1-22 expires on April 1, 2022.

On April 16, 2020, Governor Newsom signed Executive Order N-52-20 temporarily waiving the training requirements specified in title 7, California Code of Regulations, § 215 relating to continuing education for BOPC-licensees required to complete training in 2020 until June 30, 2021. Pilot continuing education resumed after June 30, 2021.

Additionally, Executive Order N-52-20 extended the three-year maximum length of the training program for pilot trainees specified in Harbors and Navigation Code section 1171 .5 (c) and California Code of Regulations, title 7, section 214 (c) by one year for trainees who have been unable to train on vessels due to the pandemic. This provision was in place through June 30, 2021. Subsequently, Executive Order N-08-21 modified the extension to the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe.

Board staff nimbly and capably carried out all mission critical duties during the year. To ensure the safety of Board staff, Executive Director Garfinkle carried out office safety protocols, and enabled Board staff to telecommute as much as possible during the year. With the exception of monthly Pilot Evaluation Committee meetings, that are not conducive to be conducted remotely, Board staff also adeptly conducted all scheduled committee and monthly Board meetings during the year by teleconference or virtually online.

2. Pilot Fitness

The Board, under a contract with the Regents of the University of California on behalf of the San Francisco Department of Occupational and Environmental Medicine, continues to administer the most comprehensive and advanced pilot and pilot trainee medical assessment program in the nation, with requirements that exceed the U.S. Coast Guard's medical guidelines for maritime pilots.

After several years of implementation, it became apparent that additional refinements needed to be made to the pilot and trainee fitness regulations¹, which had been in place since April 2014. Committees of the Board met extensively in 2018 to review the fitness regulations, made recommendations to the Board, and the Board instructed staff in October 2018 to update the fitness regulations consistent with the committee recommendations. The Board subsequently reviewed and approved additional proposed fitness regulatory changes in September 2020 and updated its request to Board staff to commence the rulemaking process.

The rulemaking process was completed, and the regulation amendments became operative October 1, 2021. The amended regulations do the following: clarify the timetable to complete a fitness evaluation; allow for a fitness determination by Board-appointed physicians for a period of less than one year; mandate periodic re-evaluation of pilots on disability leave, amend the minimum qualifications for a Board-appointed examining physician to potentially ensure the sufficient availability of physicians; and, update various terms and forms. The updated fitness regulations further enhance the rigorousness of the Board's oversight of pilot and pilot trainee fitness.

3. Progress Implementing Senate Bill 1408 (2012)—Pilot Fatigue Study

The Board has been working diligently to meet the legislative mandate of Senate Bill 1408 (chaptered on September 29, 2012) to conduct a study of the effects of work and rest periods on the psychological ability and safety of pilots, and to provide recommendations on how to prevent pilot fatigue and ensure the safe operation of vessels. As mandated by the legislation, the Board is to promulgate regulations establishing requirements for adequate pilot rest periods intended to prevent fatigue based on the study results and recommendations.

¹ California Code of Regulations, sections 217 through 217.45

Integral to that effort, the Board issued a request for proposal in December 2014, for a researcher to conduct a pilot fatigue study, and in March 2015, the Board selected a proposal involving researchers from the San Jose State University Research Foundation (Foundation) that also included research assistance from researchers at the National Aeronautical and Space Administration at no additional cost to the Board. The Board subsequently approved clarifications to the study scope of work originally proposed by the Foundation in August 2015, and the Board entered a contract for the study in June 2016. The pilot fatigue study officially commenced in August of 2016 and was completed in July 2018. The study made nineteen recommendations, some of which are amenable to regulatory actions.

In 2018 and 2019, the Board's Pilot Fitness Committee commenced a thorough review of the study and all study recommendations. In February 2020, the Board subsequently approved the Pilot Fitness Committee's pilot fatigue mitigation policies that will guide the development of regulations, one of which was to require the BOPC-licensees to develop a Fatigue Risk Management System for Board review and approval.

The Pilot Fitness Committee proceeded with the development of pilot fatigue mitigation regulations in 2021. The draft pilot fatigue mitigation regulations propose to add: limits on the maximum work period, minimum rest periods between jobs, an item in the Incident Review Committee's written report which describes the assessment of whether or not fatigue contributed to an incident; fatigue related topics in the Pilot Trainee Training Program and the Pilot Continuing Education Program; a fatigue risk management system (FRMS) to ensure the operations of the San Francisco Bar Pilots support effective rest opportunities and fatigue mitigation measures; and a description of the duties of pilot trainees to comply with work-hour limitations and rest-period requirements set forth for the pilots.

In February 2022, the Pilot Fitness Committee's draft pilot fatigue mitigation regulations were approved by the Board and the Board requested staff to commence the rulemaking process.

4. Pilot Rate Setting Process

Global supply chain impacts mainly due to the COVID-19 pandemic have decreased shipping volumes, negatively impacting pilot revenues. In response, pilotage rate legislation has been amended and continues to be evaluated.

Effective September 2021, Assembly Bill (AB) 807 amended Harbor Navigation Code (HNC) Section 1190 to authorize the Board to approve a temporary surcharge in order to recover the pilots' costs associated with catastrophic events. Additionally, the legislation added temporary surcharges to recover costs for a new pilot dispatch system and costs for deferred and current maintenance for pilot vessels.

In February 2021, the Board approved the formation of an Ad Hoc Committee to Review the Pilotage Rate Setting Process. The Committee was comprised of three

Commissioners, a pilot member, an industry member, as well as a public member. The mission of the Committee was to evaluate the efficiency and effectiveness of the current State legislative processes at other state pilotage commissions, and to determine whether changes to the current pilotage rate setting process would be beneficial to the State, Board-licenses, and the shipping industry.

In February 2022, after twelve months of Committee deliberations, conducted with significant stakeholder input, the Committee presented a final independent report with the following recommendations to the Board: have rate hearings conducted by an impartial Administrative Law Judge (ALJ); have the Board review the ALJ's decision (adopt, adopt with minor changes, reject and refer back to ALJ, or reject with a written explanation), add the Secretary of the California State Transportation Agency (CalSTA) as a final approver of the rate adjustment; and adopt a rate-setting formula for determining revenue requirements. This recommendation would relieve the Legislature from the rate setting process. The Board approved the final report and in March 2022, the final report was delivered to both the Assembly and Senate Transportation Committee Chairpersons, the Secretary of CalSTA, and the Governor.

4. Pilot Trainee Program

The Board administers a Pilot Trainee Training Program (Training Program) for qualifying mariners who wish to obtain the knowledge, skills, and abilities to be licensed as a pilot by the Board. Approximately every two-to-three years, the Board conducts a rigorous Pilot Trainee Training Program Selection Exam to establish a ranked list of eligible candidates from which to select qualified Training Program participants. Candidates on the eligibility list are offered a spot in the Training Program as space becomes available.

In July 2021, an Ad Hoc Committee on Pilot Diversity was convened to review and evaluate training candidate eligibility and testing requirements and determine if changes in requirements might serve to broaden the diversity of the candidate pool while still maintaining experience requirements necessary for success in the Training Program.

The Committee proposed the following changes to the pilot trainee candidate requirements: a candidate can qualify by demonstrating two years sailing in the capacity of Chief Mate of self-propelled vessels not less than 1600 gross tons and holds an Unlimited Masters License; a commercial pilot in another jurisdiction can qualify for the exam; and proposed relaxing the eligibility requirements for towing experience.

The Training Program selection exam process consists of assessing the candidates professional experience, for which points are awarded, a scored written exam component, and for candidates who pass the written exam, a simulator exam component. The Committee recommended amending the regulations to include a fourth component to the exam; an interview.

The Committee's recommendations were approved by the Board, and Board staff submitted the regulation changes to the Office of Administrative Law (OAL). The amended regulations were approved by OAL and filed with the Secretary of State in March 2022, becoming effective for the June 2022 Pilot Trainee Training Selection Examination process.

The Board conducted the last Training Program selection exam in June 2019. The 2019 selection exam resulted in an eligibility list of 19 candidates. Four candidates on this list entered the Training Program in 2019, three more entered the program in 2020, and six more entered the program in 2021. One candidate requested to be removed from the eligibility list and two requested to defer to the bottom of the list². As of December 31, 2021, there were seven trainees in the Training Program and three candidates remaining on the eligibility list. The June 2019 eligibility list will expire on June 27, 2022. The Board is conducting the next Training Program selection exam in June 2022.

A trainee can be in the Training Program for a minimum of one year to no more than three years. Trainees are paid a \$7,000 stipend per month to participate in the program. Board-licensed pilots provide on-the-job training to trainees on ships transiting waters in the Board's jurisdiction. A trainee's progress in the Training Program is overseen by the Board's Pilot Evaluation Committee, which consists of five Board-approved Board-licensed pilots who have been licensed for ten or more years.

To determine the number of trainees in the Training Program, the Board's Pilot Power Committee reviews a semi-annual confidential pilot retirement survey along with pilot work and minimum rest period violation data, and recommends to the Board the timing and the number of new trainees from the available eligibility lists to induct into the Training Program.

5. Personnel Matters

All Board members are Governor appointees. The Board consists of two pilots licensed by the Board, two members representing the shipping industry, and three members of the public, along with the Secretary of the Transportation Agency, who is a non-voting member.

During calendar year 2021, Governor Newsom appointed a public Board member in January and re-appointed a pilot member in April. The public and pilot Board member positions were filled for the entire year. The industry (dry cargo) member position was vacant for the entire year and remains vacant as of the date of this report.

The Board has four full-time staff positions. One position was vacant seven months in 2021. The vacant position was subsequently filled in February 2022.

² Board regulations allow candidates to defer to the bottom of the list if an offer is made to participate in the Training Program and the candidate is not ready to enter the program.

Due to the small number of Board staff, the Board receives necessary administrative, program and technical support through agreements with other governmental entities and private contractors including:

- The Department of Justice.
- California Highway Patrol.
- Department of Transportation.
- California Department of Human Resources.
- State Controller's Office.
- Department of Technology.
- California State University Maritime Academy.
- Regents of the University of California.
- Commission Investigators.
- San Francisco Bar Pilots.

6. Litigation Involving the Board in 2021

David C. Burchard vs. California State Transportation Agency (CalSTA) and Board of Pilot Commissioners (BOPC)

On July 17, 2017, Captain David C. Burchard (Captain Burchard) entered into a Pilot Trainee Training Program Agreement with the BOPC. On July 16, 2020, the three-year contract between Burchard, the trainee, and the BOPC expired. Based on a written recommendation by the Pilot Evaluation Committee, on December 21, 2020, the Board made a written final decision on whether Captain Burchard successfully completed the Pilot Trainee Training Program and whether he should be issued a certificate of completion. The Board declined to determine that Captain Burchard successfully completed the Pilot Trainee Training Program and declined to issue him a certificate of completion.

On May 11, 2021, David C. Burchard filed a Claim for Damages, claiming the BOPC violated Title 7 (Harbors and Navigation), Division 2 (BOPC), Article 4, Sections 213 & 214, and the obligation of the BOPC to administer a fair and objective training program for all participants.

III. Number of Vessel Movements in 2021

Subdivision (a) of Section 1157.5 of the Harbors and Navigation Code mandates that the Board report the number of vessel movements across the bar, on the bays, and on the rivers within the Board's jurisdiction. The following are the 2021 vessel movement³ statistics:

Number of vessel movements across the San Francisco Bar	4,797
Number of vessel movements within the Bays of San Francisco, San Pablo and Suisun	1,641
Number of vessel movements on the Sacramento and San Joaquin Rivers	741
Total Moves	7,179

³ Billing data as reported by the San Francisco Bar Pilots to the Board.

IV. Status of Pilot Licensees and Trainees in 2021

1. Status of Pilot Licensees as of December 31, 2021

Pilot	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ⁴	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates
Alden, Bruce	7/2/1993		1/1/2021-04/29/2021	4/30/2021-12/31/2021		
Alfers, Douglas	9/28/2017		1/1/2021-12/31/2021			
Aune, Drew	4/1/2009		1/1/2021-12/31/2021			
Benedict, William	1/29/2021		1/29/2021-12/31/2021		9/9/2021-9/18/2021	11/14/2021-11/18/2021
Billingsley, Neil	4/28/2016		1/1/2021-12/31/2021			
Boriolo, Dan	10/1/1995	6/30/2021	1/1/2021-6/30/2021			
Bridgman, Daniel	4/1/2010		1/1/2021-12/31/2021			
Carlier, John	1/20/1989		11/9/2021-12/31/2021			
Carr, Robert	6/27/2013		1/1/2021-12/31/2021			
Corbett, David	4/25/2019		1/1/2021-12/31/2021			
Crowl, Casey	7/25/2019		1/1/2021-12/31/2021			
Cvitanovic, David	6/22/2017		1/1/2021-12/31/2021			
D'Aloisio, Samuel	7/1/2014		1/1/2021-12/31/2021			
Deisher, Nicholas	5/28/2021		5/28/2021-12/31/2021		9/9/2021-9/18/2021	
Epperson, Dylan	12/15/2016		1/1/2021-12/31/2021			
Favro, Orrin	12/14/2012		1/1/2021-12/31/2021			
Fawcett, Erik	6/23/2011		1/1/2021-12/31/2021			11/14/2021-11/18/2021
Freese, Kevin	11/15/2018		1/1/2021-12/31/2021			
Greger, Ronald	1/24/2019		4/13/2021-12/31/2021	1/1/2021-4/12/2021		
Haggerty, Mark	7/1/1998		3/25/2021-6/13/2021; 8/11/2021-12/31/2021	1/1/2021-3/24/2021; 6/14/2021-8/10/2021		
Hirschfeld, Jubal	2/25/2016		1/1/2021-12/31/2021			
Horton, Bruce	5/8/1991	12/15/2021	1/1/2021-12/15/2021			
Johnson, Eric	12/13/2012		1/1/2021-12/31/2021			
Kasper, Drue	3/22/2016			1/1/2021-12/31/2021		

⁴ These dates include both absences for medical reasons reported to the Port Agent and longer absences reported to the Board's physicians.

Pilot	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ⁴	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates
Kellerman, Zachary	1/28/2011		1/1/2021-12/31/2021			11/14/2021-11/18/2021
Kirk, Roger	4/1/2007			1/1/2021-5/26/2021		
Laakso, Kristopher	8/26/2011		1/1/2021-12/31/2021			
Larwood, Dan	7/1/1998		1/1/2021-12/31/2021			
LeSieur, Cevan	9/26/2014		1/1/2021-12/31/2021			
Lingo, Matthew	2/22/2013		1/1/2021-12/31/2021			
Livingstone, George	4/24/2008	3/31/2021	1/1/2021-3/31/2021			
Long, Joe	7/1/2008		1/15/2021-12/31/2021			
Lowe, Jeremy	11/21/2016		1/1/2021-12/31/2021			
Manes, Mark	6/28/2012		1/1/2021-12/31/2021			
McCloy, David	6/1/2008		1/1/2021-4/19/2021; 11/22/2021- 12/31/2021	4/20/2021-11/21/2021		
Merritt, David	8/26/2010		1/1/2021-12/31/2021		9/9/2021-9/18/2021	
Murney, James	9/24/2021		1/1/2021-12/31/2021			
Murray, Andrew	4/28/2016		1/1/2021-12/31/2021			
Nyborg, Einar	7/1/1995		1/1/2021-12/31/2021		9/9/2021-9/18/2021	11/14/2021-11/18/2021
Pate, David	4/1/2007	9/30/2021	1/1/2021-9/30/2021			
Pullin, Jesse	1/24/2019		1/1/2021-12/31/2021			
Pyne Mercier, Christopher	3/26/2020		1/1/2021-4/24/2021; 7/29/2021-12/31/2021	4/25/2021-7/28/2021	9/13/2021-9/17/2021	
Ridens, Raymond	1/1/2007		1/1/2021-12/31/2021			
Robinson, Eric	1/1/2004		1/1/2021-12/31/2021			
Rocci, Reuben	1/1/2008		1/1/2021-12/31/2021			
Rogers, Nicholas	1/29/2021		1/29/2021-12/31/2021		9/9/2021-9/18/2021	11/14/2021-11/18/2021
Rubino, Michael	3/22/2017		1/1/2021-12/31/2021			
Ruff, Paul	1/27/2011		1/1/2020-12/31/2020			
Slack, Dustin	7/1/2008		1/1/2021-12/14/2021	12/15/2021- 12/31/2021		
Starnitzky, Maximilian	8/22/2019		1/1/2021-12/31/2021			
Stevens, Matthew	1/29/2021		1/29/2021-12/31/2021		9/9/2021-9/18/2021	11/14/2021-11/18/2021
Stultz, Joshua	2/24/2012		1/1/2021-12/31/2021			
Teague, Steve	1/1/2007		1/1/2021-12/31/2021			
Vogel, Jason	11/16/2017		1/1/2021-12/31/2021			

Pilot	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ⁴	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates
Weber, Eric	12/10/2021		12/10/2021-12/31/2021			
Wehr, Shane	6/1/2008		1/1/2021-12/31/2021			
Weiss, David	9/10/1993		1/1/2021-12/31/2021			

Active Pilots During the Year: 57

Pilots No Longer Licensed During the Year: 4

No pilots passed away during the year.

There were no licensed pilots on active military duty during 2021.

There were no licensed pilots on leave of absence during 2021.

There was one licensed pilot suspended during 2021. Captain Roger Kirk was suspended from 6/01/2021 through 12/31/2021.

2. Status of Pilot Trainees as of December 31, 2021

Name of Trainee	Training Program Entrance Date	Status on 12/31/2021
Stevens, Matthew	1/14/2019	Graduated 1/28/2021
Benedict, William	8/12/2019	Graduated 1/28/2021
Rogers, Nicholas	8/12/2019	Graduated 1/28/2021
Adams, Scott	10/1/2019	In Training
Deisher, Nicholas	10/1/2019	Graduated 5/27/2021
James Murney	5/1/2020	Graduated 9/23/2021
Eric Weber	8/5/2020	Graduated 12/9/2021
Jonathan Olmsted	10/1/2020	In Training
Mark Barnum	3/15/2021	In Training
Spencer Snapp	3/15/2021	In Training
Bart Sappington	3/15/2021	In Training
James Pascucci	5/10/2021	In Training
Mathew Burns	11/2/2021	In Training
Elizabeth Bunch	11/2/2021	Resigned

V. Summary of Reports of Navigational Incidents Acted on or In Progress in 2021

Subdivision (c) of Section 1157.5 of the Harbors and Navigation Code requires the Board to provide summaries of each report of misconduct or navigational incidents involving pilots, or other matters for which a license issued by the Board may be revoked or suspended. The summaries must provide a description of findings made by the Board's Incident Review Committee, the resulting action taken by the Board, as well as a summary of any prior reportable incidents of which a finding of pilot error was made for the pilots involved. For those cases that are still under investigation, the summary shall include a description of the reported incident and an estimated completion date for the investigation.

1. M/V POLAR DISCOVERY

Pilot	Captain Roger Kirk
Incident Description	The T/V POLAR DISCOVERY was docking at the Richmond Long Wharf, and on approach allided with the previously moored T/V TORM RESILIENCE. The allision resulted in damage to the pier, cargo loading arms on the pier, and to both the hulls of the T/V POLAR DISCOVERY and the T/V TORM RESILIENCE. Total estimated damage was greater than \$6 million.
Location	Richmond, CA
Date of Event	November 24, 2019
Incident Review Committee Finding	<p><input type="checkbox"/> No Pilot Error/Misconduct <input checked="" type="checkbox"/> Pilot Error/Misconduct</p> <p>The Incident Review Committee determined that the pilot, Captain Kirk, lost situational awareness as evidenced by him appearing to lose track of both the geographic position of the ship in the turning basin and the rate of turn of the ship, that there was excessive speed that ultimately reduced the effectiveness of the tugs in use, and that the incident was compounded by the pilot's lapses in effective bridge resource management, as evidenced by the failure to utilize the ship engines, rudders, bridge personnel, and tugs. The Incident Review Committee also determined that the pilot failed to build contingencies into the transit plan, and that fatigue could have been a contributing factor.</p> <p>The Incident Review Committee recommended to the Board to find for pilot misconduct, and that the Board file an accusation for suspension of Captain Kirk's license for a period of three months.</p>

Board Action/Date	<input type="checkbox"/> No Pilot Error/Misconduct <input checked="" type="checkbox"/> Pilot Error/Misconduct <p>On January 28, 2021, the Board issued a written decision that agreed with the Incident Review Committee’s finding of pilot misconduct, and accepted the recommendation that an accusation should be filed to suspend the Captain Kirk’s license. However, the Board determined the suspension period should be for twelve months instead of the three months recommended by the Incident Review Committee. Furthermore, separate from the license suspension, the Board’s decision required the pilot to obtain training at his own cost before his license could be restored. The Board specified that the training was to include manned model training, bridge resource management training, and training on reducing or avoiding fatigue. The Board delegated to Board staff the selection of the training providers.</p> <p>On March 15, 2021, an Accusation was filed against Captain Kirk. On May 27, 2021, the Board adopted the Stipulated Settlement and Disciplinary Order regarding the Accusation against Captain Kirk. The agreed upon terms included: a one-year suspension of pilot license 2553, manned-model training can be obtained in the United States, the Bridge Resource Management course will be American Pilots’ Association (APA) approved, and the Fatigue Management course will be required. Captain Kirk requested the suspension start on June 1, 2021. The Board approved the suspension start date.</p>
Prior Pilot Error Reportable Incidents	None.

2. M/V VINCENT GENESIS

Pilot	Captain Drew Aune supervising trainee Captain Brett Nelson
Incident Description	The M/V VINCENT GENESIS was departing Richmond with the trainee conning, and due to the restricted confines of the channel, the trainee's apparent uncertainty, and communication issues with one of the tugs, Captain Aune took the conn after the ship had moved astern approximately 20 feet. Shortly after Captain Aune took the conn, the midsection of the vessel made unintended contact with the corner of the Levin Terminal (RCH20). There was minor damage to the wooden pier structure, and a scraped vessel hull, totaling less than \$10,000 in damages.
Location	Richmond, CA
Date of Event	December 13, 2019
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>The Incident Review Committee recommended to the Board that the Board find for no pilot error or misconduct due to the pilot affording the trainee an opportunity to train on a difficult maneuver, that the pilot took over the conn as soon as was practicable, and that the damages were minor. The Incident Review Committee also recommended to the Board that the case be closed with no further action.</p>
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>On February 25, 2021, the Board determined that there was no misconduct on the part of the pilot, and closed the case with no further action.</p>
Prior Pilot Error Reportable Incidents	None.

3. M/V CHAMPION CONCEPT

Pilot	Captain Samuel D'Aloisio
Incident Description	The M/V CHAMPION CONCEPT made unintended contact with the corner of the dock while shifting between two berths. The vessel's shell plating was deflected, and there was concrete damage to the corner of the dock.

Location	Shifting from Berth 8 (SCK 8) to Berth 9 (SCK 9) in Stockton, California.
Date of Event	April 28, 2020
Incident Review Committee Finding	<p data-bbox="544 394 1388 430"><input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct</p> <p data-bbox="544 472 1437 756">In this case, the CHAMPION CONCEPT was shifting from an inner berth in Stockton to a berth around the corner of the pier. During the shift, the pilot became concerned about the position of the assist tug, due to the tight quarters of the berth. The pilot offered the tug the option of “touching down” on the hull of the ship to hold its position and keep the tug out of harm’s way. When the tug did so, the pilot perceived movement toward the corner of the pier.</p> <p data-bbox="544 798 1437 1081">When the pilot attempted to monitor the effects of this movement, he encountered a locked wheelhouse door. During the time it took for the ship’s crew to unlock the wheelhouse door, the situation had deteriorated enough, so that after action by the pilot was not sufficient to correct the movement and unintended contact was made with the corner of the pier, denting the hull of the ship and damaging the concrete edge of the pier.</p> <p data-bbox="544 1123 1437 1491">The IRC Committee found, to the extent that it contributed to the damage to the ship, the pilot’s failure to discover the locked door prior to the exigency requiring him to pass through it quickly, was an error in judgment. The IRC Committee concluded there is a lesson to be learned from this experience and caution all pilots to assess and ensure full access to locations that may be required during the maneuvering of the vessel well before they are needed. They suggested this can be done as part of the master-pilot exchange or added to the pilot’s personal pre-departure checklist.</p> <p data-bbox="544 1533 885 1564">The IRC recommended:</p> <ol data-bbox="592 1606 1437 1785" style="list-style-type: none"> 1. The Board find for no misconduct on the part of pilot. 2. That the IRC Committee’s report be shared with “all licensees of the board” as a lesson learned, to raise awareness of having clear access to all areas necessary for the safe navigation of the vessel.

Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct On May 27, 2021, the Board accepted the IRC Committee's recommendation and found no pilot misconduct and closed the investigation.
Prior Pilot Error/Misconduct Reportable Incidents	None

4. M/V HYUNDAI NEPTUNE and the M/V THALASSA AVRA

Pilot	Captains Drew Aune
Incident Description	The passing of the M/V HYUNDAI NEPTUNE and the M/V HANOVER EXPRESS caused an interaction and damage to the moored M/V THALASSA AVRA. The damage to the M/V THALASSA AVRA consisted of parted lines, and possible damage to a container crane.
Location	Berth 37, Oakland, California.
Date of Event	May 21, 2020
Incident Review Committee Finding	INVESTIGATION PENDING Estimated Completion Date—March 2022
Board Action/Date	INVESTIGATION PENDING
Prior Pilot Error/Misconduct Reportable Incidents	INVESTIGATION PENDING

5. M/V JIANGMEN TRADER and the M/V STRATEGIC ALLIANCE

Pilot	Captain Kristopher Laasko
Incident Description	The M/V JIANGMEN TRADER interacted with the moored M/V STRATEGIC ALLIANCE causing the M/V STRATEGIC ALLIANCE to have one parted line.

Location	Berth 6, Pittsburg, California.
Date of Event	July 23, 2020
Incident Review Committee Finding	<p>The IRC looked at both the conduct of the passing vessel and the mooring of the vessel that suffered damage from the interaction. The passing vessel has a duty to pass carefully and prudently, which the IRC concluded they did. The moored vessel has a duty to be properly moored so as to resist normal swells where traffic can be anticipated. The evidence indicated that the single parted mooring line showed excessive wear, and there was some evidence to indicate that the mooring lines were slack at the time of the incident, allowing the moored vessel to move excessively, and thus not meeting their burden of proper mooring. Based on the evidence and analysis of the case, the IRC Committee recommended the following actions to the Board:</p> <ol style="list-style-type: none"> 1. The Board find for no misconduct on the part of the pilot. 2. The case be closed with no further action.
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct On June 23, 2021, the Board accepted the IRC Committee's recommendation and found no misconduct on the part of the pilot and closed the case with no further action.
Prior Pilot Error/Misconduct Reportable Incidents	None.

6. M/V GLOBE PEGASUS

Pilot	Captain Zackary Kellerman
Incident Description	The M/V GLOBE PEGASUS was departing Levin Terminal in Richmond, CA and made unintended contact with the pier, possibly damaging pilings.
Location	Richmond, CA
Date of Event	April 8, 2021
Incident Review Committee Finding	INVESTIGATION PENDING Estimated Completion Date—March 2022

Board Action/Date	INVESTIGATION PENDING
Prior Pilot Error Reportable Incidents	INVESTIGATION PENDING

7. M/V VECCO

Pilot	Captain Ray Ridens
Incident Description	The M/V VECCO made momentary contact with the bottom, while downbound on the San Joaquin River in the vicinity of Light 36. Following a sounding of the ship's voids and tanks, it was determined that there was no damage.
Location	San Joaquin River, CA
Date of Event	April 22, 2021
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>The Incident Review Committee, in an acknowledgement that the river environment is in a constant state of flux due to runoff and subsequent silting/erosion, found that the evidence indicated a momentary grounding due to an uncharted high spot in the river, and this constituted a "bump and go" grounding. The USCG states, in part, an incident can be classified as a "bump and go" if there was no damage to the ship, the vessel is able to get off the bottom without assistance, and is only there for a short duration. During the evidence gathering phase of this incident the Committee found that the USCG had reviewed the event and also classified it as a "bump and go," The Committee agreed with the USCG, and also deemed the incident "a bump and go," where there was "clearly no pilot error" and discontinued the investigation.</p>
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>On May 27, 2021, the Board agreed with the Committee's analysis that this incident was a "bump and go." And no further action was taken.</p>
Prior Pilot Error Reportable Incidents	N/A

8. M/V JULIA L

Pilot	Captain Jubal Hirschfeld
Incident Description	The M/V JULIA L was anchored east of the Union Pacific Railroad (UPRR) Bridge when the bridge failed to open. During the anchoring, the pilot reported the ship made contact with the side of the Bull's Head Channel. The ship was able to summon two tugs to aid in turning back upriver and proceeded under its own power to Pittsburg to await the resolution of the UPRR Bridge opening issues. The ship eventually passed under the bridge and with no incidents. There was no damage to the ship or adjacent structures.
Location	Bull's Head Channel.
Date of Event	September 9, 2021
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee determined there was clearly no pilot error, and reported to the Board at the September 23, 2021 Board meeting that the investigation was discontinued.
Board Action/Date	None
Prior Pilot Error/Misconduct Reportable Incidents	N/A

9. T/S CHALLENGE

Pilot	Captain Jeremy Lowe
Incident Description	The T/S CHALLENGE made momentary contact with the bottom while upbound in the Sacramento River Deep Water Ship Channel. During the transit, the vessel took a sheer from the starboard bank and began turning to port. After some oscillation, the pilot lowered the port anchor to two shackles to steady the bow. After dredging the anchor for a short while, the speed was reduced, the anchor brought home and they resumed normal transit to Sacramento. The ship never stopped and needed no assistance to complete its passage. There was no damage to the ship or structures.
Location	Sacramento River Deep Water Ship Channel
Date of Event	September 12, 2021
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee determined there was no damage and the momentary touching of the bottom comports with the USCG's definition of a "bump and go" grounding. The Incident Review Committee determined that there was clearly no pilot error, and reported to the Board at the September 23, 2021, Board meeting that the investigation was discontinued.
Board Action/Date	None.
Prior Pilot Error/Misconduct Reportable Incidents	N/A

10. M/V CHARLIE

Pilot	Captain Sam D'Aloisio
Incident Description	The M/V CHARLIE interacted with the moored M/V EVA SHANGHAI in the Port of Stockton
Location	Port of Stockton.
Date of Event	October 17, 2021
Incident Review Committee Finding	INVESTIGATION PENDING Estimated Completion Date—March 2022
Board Action/Date	INVESTIGATION PENDING
Prior Pilot Error/Misconduct Reportable Incidents	INVESTIGATION PENDING