

<p>Meeting Date: June 1, 2023</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>HEARING ON PROPOSED FATIGUE REGULATIONS MEETING MINUTES</p>	<p>Page 1 of 3</p>
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Board Members Present

Karen Tynan, President, Public Member
Jennifer Ferrera Schmid, Vice President, Public Member
Captain Robert Carr, Pilot Member
Captain Einar Nyborg, Pilot Member
Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

Joanne Hayes-White, Public Member
Vacant, Wet Cargo Industry Member
Vacant, Dry Cargo Industry Member

Board Staff Present (in person and by phone)

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Acting Assistant Director
Alethea Wong, Licensing and Training Programs Manager
Charles Louie, Administrative Assistant II
Deputy Attorney General Patrick Tuck

Public Present

Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent; Captain Anne McIntyre, SFBP Business Director (by phone); Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; President Emeritus Knute Michael Miller; Captain Barton (by phone).

OPEN MEETING:

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

President Tynan called the meeting to order at 1:30 p.m. via WebEx. Administrative Assistant II Louie called the roll and confirmed a quorum.

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

There was no public comment.

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3. Public comment on proposed fatigue regulations.

Executive Director Garfinkle reported that staff received two written comments, one from Captain James Barton, and one from Mike Jacob, which were available on the website for review.

As part of public comment during the meeting, Mr. Jacob stated that he supported the fatigue regulations and would like to see them move forward. In addition, in his written comment he provided some recommendations for amendments on the proposed language.

By phone, Captain Barton requested that the Board consider his written comments relative to trainees.

4. Public comment on matters not on the agenda.

Executive Director Garfinkle, in consideration of the written comments, sought direction from the Board members on how to proceed. such as allowing the Pilot Fitness Committee to consider the matter. Acting Assistant Director Cristia-Plant agreed that the Pilot Fitness Committee would be the appropriate forum to consider the comments provided, and she will reserve her comments for that forum.

President Tynan asked Mr. Tuck for procedural guidance to which he recommended that the public comment agenda item be first closed out prior to any discussion. President Tynan then closed public comment on matters not on the agenda.

Executive Director Garfinkle commented that a discussion of substantive part of the rulemaking is not appropriate at this time, as it is not on the agenda, but should be discussed either at a future Pilot Fitness Committee meeting or at the Board level. Commissioner Nyborg stated that he was satisfied with the regulations as proposed. Commissioner Carr stated he appreciated the public comments submitted but concurred and would like to proceed without any delay.

Executive Director Garfinkle refreshed Vice President Schmid’s memory that the Fitness Committee is represented by President Emeritus Knute Michael Miller, Commissioner Einar Nyborg, Dr. Bob Kosnik, and Commissioner Joanne Hayes-White. Executive Director Garfinkle added that he felt that the Board should take in the comments and then analyze and discuss them. Vice President Schmid agreed that further discussion would be welcome. Executive Director Garfinkle stated that a new 15-day comment period may need to be opened depending on the outcome of accepting any new changes by the Committee or Board that are deemed substantive. CalSTA representative Dougherty noted that even if the Board doesn’t make changes based on the comments received, there will still have to be a response to the comments. Executive Director Garfinkle recommended that the comments be reviewed by the

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committee with the expertise in this area and make a recommendation to the Board. Vice President Schmidt agreed for the committee to consider the public comments that will lead to making a recommendation to the Board.

5. Adjournment.

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

VOTE: **YES:** Tynan, Schmid, Carr, and Nyborg.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved

President Tynan adjourned the meeting at 2:00 p.m.

Submitted by:



Allen Garfinkle
Executive Director