

<p><b>Meeting Date:</b>  <b>April 23, 2024</b></p>	<p><b>Board of Pilot Commissioners (BOPC) 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 17</b></p>
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## **ATTENDANCE**

### **Board Members Present**

Karen Tynan, President, Public Member (by phone)  
Joanne Hayes-White, Vice President, Public Member  
Captain Robert Carr, Pilot Member  
Captain Lynn Korwatch, Dry Cargo Industry Member  
Captain Einar Nyborg, Pilot Member  
Sam Rodriguez, Public Member  
Stephanie Dougherty, Designee for the Secretary of the California State Transportation Agency  
(CalSTA)

### **Board Members Absent**

Vacant, Wet Cargo Industry Member

### **Board Staff Present (in person and by phone)**

Allen Garfinkle, Executive Director  
Matthew Millspaugh, Assistant Director  
Alethea Wong, Licensing and Training Programs Manager  
Mari McNeill, Administrative Coordinator  
Greg Shepherd, Records Management and Program Support Coordinator  
Patrick Tuck, Board Counsel

### **Identified Public Present (in person and by phone)**

Kevin Baldwin, San Francisco Board Pilots (SFBP) General Counsel  
Rex Clack, Counsel for Captain Slack  
Captain Dan Bridgman, SFBP  
Captain Dustin Slack, SFBP  
Owen O'Mahony, BergDavis Public Affairs  
Evette Davis, BergDavis Public Affairs  
Mike Jacob, Pacific Merchant Shipping Association (PMSA) President and General Counsel  
Roma Cristia-Plant, public, previously CalSTA (by phone)

## **OPEN MEETING AGENDA**

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

Vice President Hayes-White (for President Tynan) called the meeting to order at 9:32 a.m.  
Licensing and Training Programs Manager, Alethea (Ally) Wong called the roll and confirmed a quorum.

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

None.

**3. Review and approval of Board meeting and meeting minutes (Vice President)  
Board action to approve the minutes from the Board meeting held on March 28, 2024.**

The Board members were presented with the draft minutes from the March 28, 2024, Board meeting. There were two edits requested by Commissioner Carr and Former Assistant Director, Ms. Cristia-Plant. There was no further discussion.

**MOTION:** Commissioner Nyborg moved to approve the March 28, 2024 minutes with the proposed edits. Commissioner Korwatch seconded the motion.

**VOTE:** YES: Tynan, Hayes-White, Carr, Korwatch, Nyborg, and Rodriguez.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**4. President Announcements and Activities (President Tynan)**

President Tynan apologized for being unable to attend in person due to an illness, however she announced she would participate remotely by phone.

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

Vice President Hayes-White welcomed Commissioner Rodriguez, as the newest Board member, and offered an opportunity for Commissioner Rodriguez to share his background. Commissioner Rodriguez thanked Vice President Hayes-White, he introduced himself, and provided some of his personal and professional background, expressed his admiration for the work done by the Board and his hope to contribute toward the advancement of Board and its mission. Commissioner Rodriguez added that he had attended the Pilot Evaluation Committee (PEC) meeting on April 17, 2024, which he reported was an insightful meeting. Commissioner Nyborg thanked Commissioner Rodriguez for joining the PEC meeting.

**6. Directors' Report (Executive Director Garfinkle/Assistant Director Millspaugh)  
Correspondence and activities since the Board meeting held on March 28, 2024.**

**Executive Director Garfinkle reported on the following:**

**A) Correspondence and activities since the Board meeting held on March 28, 2024.**

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- On April 2, 2024, Gregory “Greg” Shepherd started working for the Board of Pilot Commissioners (BOPC) as an Associate Governmental Program Analyst (AGPA), and on April 15, 2024, Marjorie “Mari” McNeill started working for the BOPC, also as an AGPA. Executive Director Garfinkle welcomed AGPAs Shepherd and McNeill.
- On April 3, 2024, Executive Director Garfinkle met with California State University Maritime Academy (CMA) representatives Mark Goodrich, Associate Vice President for Enterprise Services, Graham Benton, Associate Provost, and Lavella Wilson, Professional and Continuing Education (PaCE) Program Coordinator concerning the BOPC’s continuing education and exam contracts with CMA. Executive Director Garfinkle expressed the BOPC’s concerns about the CMA’s ability to provide these services going forward. It was a productive meeting and the BOPC will continue to work with CMA to shape the BOPC’s relationship with them moving forward.
- On April 4, 2024, Board staff received word that pensioner Captain Ron Charlesworth passed away on March 21, 2024. Captain Charlesworth was a former Bar Pilot, Commissioner, and later, a founding partner of Bay Delta Maritime Tugboat Company.
- On April 5, 2024, Executive Director Garfinkle made offers to Pilot Trainee Candidates Captains Ben Ajax and Todd Johnston to join the Pilot Trainee Training Program. Both accepted the offers and their training is scheduled to tentatively start on May 8, 2024.
- On April 10, 2024, Assistant Director Millspaugh and Executive Director Garfinkle attended a leadership forum titled “Emerging Design Thinking in State Government” held in Sacramento.
- On April 10, 2024, Board staff provided the 2023 Annual Report to the Legislature to the Secretary for review prior to submitting it to the Legislature.
- On April 11, 2024, the Harbor Safety Committee met in Richmond, CA. The United States Coast Guard (USCG) presented the Significant Port Safety and Security Cases for March. There was one loss of propulsion on a United States (U.S.) inspected towing vessel, one loss of propulsion on a U.S. flagged small Passenger Vessel (P/V), and one equipment failure on a U.S. flagged small P/V. There were no losses or reduction of propulsion events on vessels with a pilot aboard reported on.
- On April 16, 2024, Assistant Director Millspaugh and AGPAs Shepherd and McNeill toured the SFBP offices and Assistant Director Millspaugh introduced them to SFBP staff. Executive Director Garfinkle thanked SFBP for hosting them.

**B) Report on pilot licensing matters since the Board meeting held on March 28, 2024.**

Since the March Board meeting, the Board has issued license renewals to the following

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Board licensees: Captains Corbett, Sappington, and Murray.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported the Board surcharges collected for the month of March 2024 were \$802,303.24. Itemized surcharge amounts included:

Board Operations Surcharge	\$ 225,904.23
Continuing Education Surcharge	\$ 28,301.22
Pilot Trainee Surcharge	\$ 33,425.60
Pilot Boat Program Surcharge	\$ 514,672.19

**D) Report of pension fiduciary.**

As of April 1, 2024, there were 84 pensioners.

• Surcharge Rate for the Quarter	\$0.04869/gross registered ton
• Rolling Look Back Period	October 2022 through September 2023
• Monthly Tonnage for March	27,688,806.00
• Surcharge Billing Total	\$ 1,348,284.21
• Administrative Costs for the Month	\$ 4,922.85
• Amount Distributed to Pension Beneficiaries	\$ 1,343,245.22
• Total Monthly Target Rates	\$ 1,212,243.74
• Amount Over/(Under) Target	\$ 135,924.33

The last Cost of Living Adjustment (COLA) increase to the pension was on April 1, 2023.

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

None.

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

Legislative Activities

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Assistant Director Millspaugh reported on Assembly Bill (AB) 1122. Board staff are currently tracking AB 1122. There have been no changes to the bill language since staff last reported on the bill.

As currently written, AB 1122 would require any equipment installed, or modification to accommodate that equipment, that could limit engine power or operational ability of specified commercial harbor craft, to be approved for use with the harbor craft’s propulsion system, as specified, and not void any existing warranty.

The bill also includes language in section 654.4(b)(2) that reads the language cited shall not apply to a pilot vessel used for transporting a maritime pilot in furtherance of their official duties.

BOPC staff shall continue to monitor the bill for any language changes.

Contractual Matters

Assistant Director Millspaugh reported the following on contractual matters:

**California State University Maritime Academy – Trainee Selection Exam Services  
Contract Expiration: To Be Determined (TBD)**

The new contract with CMA for Trainee Selection Exam services remains on hold as the university has not identified staffing for the next simulator exam test component. CMA also provides a test site for the Trainee Selection Exam written component.

**State Controller’s Office –Audit Services - Surcharges  
Contract Expiration TBD**

Board staff submitted a Scope of Work (SOW) and proposed budget for a new Inter-Agency Agreement (IAA) between the State Controller’s Office (SCO) and Board for the SCO’s review. The new IAA will provide funding for completion of the 2022 audit and incorporate completion of the audits for 2023-2026.

**State Controller’s Office – Pilot Boat Program Audit  
Contract Expiration: TBD**

Board staff continue to work towards the development of a new IAA between the Board and SCO for the Pilot Boat Program Audit. Board staff have begun development of a SOW with a plan to submit a draft to the SCO for review in late April 2024.

**Request for Offer – IT Modernization Project Manager (23M900002)  
Contract Expiration Date: 4/30/2026**

Board staff continue to work with the California Highway Patrol (CHP) to finalize the agreement between Gartner Inc., and the Board for Project Management services for

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Project Approval Lifecycle (PAL) stages 2-4. The agreement is in review with CHP executive management and staff expect the agreement to be executed by May 1, 2024. A kickoff meeting between Garnter Inc., California Department of Transportation (Caltrans), and Board staff has been scheduled for May 16, 2024.

**Certified Public Accountant Services to The SFBP Pension Plan (23M900006)  
Contract Expiration TBD**

Board staff continue to work with CHP staff to develop an Invitation for Bid for Pension Program accounting services. CHP has reported it expects the Invitation for Bids (IFB) to be posted by April 26, 2024, and procurement for services completed before June 30, 2024.

**Pilot and Pilot Trainee Fitness Assessment (21M900004) - Amendment**

Board staff are working with University of California San Francisco (UCSF) staff to amend the current agreement between the Board and UCSF for Pilot and Pilot Trainee Fitness Assessment. Board staff have met with UCSF staff regarding the agreement and forwarded the draft SOW and budget for UCSF’s review.

**Administrative Services with the California Highway Patrol**

The current IAA between the CHP and the Board expires June 20, 2024. Board staff met with CHP staff on April 11, 2024, regarding the SOW. A new IAA needs to be in place by June 30, 2024. Board staff are awaiting an updated budget from CHP.

General Report Notes

Commissioner Rodriguez requested that the oral reporting done under this agenda item be accompanied by a written document with the details of this report included in the written material provided to the Board members and the public. Executive Director Garfinkle responded that this would be available the following month.

Executive Director Garfinkle responded to questions about CMA’s PaCE program, adding that now obsolete radar endorsement course requirements were a revenue source for the PaCE program, but when the USCG stopped requiring the radar courses every five years, that revenue stream went away, contributing to the financial issues the PaCE program is experiencing. Further exam feasibility issues exist due to a loss of institutional memory and goodwill due to staffing changes, and financial resource limitations.

Vice President Hayes-White welcomed AGPAs Shepherd and McNeill to the Board staff and offered an opportunity for AGPAs Shepherd and McNeill to introduce themselves. Assistant Director Millsbaugh confirmed the BOPC now has a full staff of five employees.

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**7. Port Agent’s Report (Port Agent Carlier and Board staff)**

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

Commissioner Nyborg presented the Port Agent’s report on Captain Carlier’s behalf.

Commissioner Nyborg reported the following pilot is Absent for Medical Reasons (AFMR) and the initial absence date:

- Captain Teague since February 14, 2024

Commissioner Nyborg reported the SFBP continually monitors the dispatch list for possible 12-hour Minimum Rest Period (MRP) exceptions. For any potential exception likely to result in a rest period of less than 10 hours, SFBP will ensure that mitigating measures are enacted.

Commissioner Nyborg reported there are currently 52 licensees on the SFBP roster.

In March, there were nine MRP exceptions, with the shortest rest period being 10.2 hours.

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

For March 2024, Commissioner Nyborg reported normal operations for all Pilot Vessels which includes the California, Drake, Golden Gate, Pittsburg, and San Francisco.

Commissioner Nyborg reported vessel moves for March 2024 were as follows:

- Bar Crossings: 458
- Bay Moves: 134
- River Moves: 40
- Total Moves: 632
- Gross Registered Tons (GRT): 27.7 million

He also reported when comparing 2024 year-to-date vessel move data with the same period in 2023, total moves were up 6.5% and GRT was up 27.8%.

Commissioner Nyborg confirmed, in addition to the 52 licensees, there are also three trainees, and two additional trainees close to starting their training. Executive Director Garfinkle reported that in addition to the 52 licensees reported by the Port Agent on the

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SFBP roster, that two licensed pilots are not on the SFBP’s roster as well.

**C) Monthly confidential written report of licensed pilots who have been absent for medical reasons (AFMR). The Board may go into closed session to discuss the contents of the Port Agent’s confidential report and other relevant confidential medical information, as authorized by Harbors and Navigation Code § 1157.1.**

No updates.

**8. Pilot Evaluation Committee (Committee Chair)**

**A) PEC meeting held on April 17, 2024.**

Captain Bridgman presented the Pilot Evaluation Committee (PEC) Chairman’s Report on the following:

- The PEC met on April 17, 2024. Captains Ruff, Slack, Wehr, Stultz, Bridgman, and Executive Director Garfinkle were in attendance.
- The PEC discussed the lack of recognized personnel at CMA for simulation test development, with approximately two years left until the next cycle, and noted a sense of urgency is needed.
- The three active trainees are Captains Gallo, Barron, and Johnson. The range of time in the program for the trainees ranges from 3.5 to 7 months.
- All three trainees are acquiring trips to obtain their first-class pilotage endorsement for unlimited tonnage upon San Francisco Bay. They are observing, part handling, and handling ships under the direct supervision of a licensed pilot.
- Trainees Gallo and Barron are actively testing for their federal pilotage with the USCG.
- All three trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- All trainees are meeting the recommended benchmarks and are progressing at their own rates.
- The next PEC meeting is scheduled for May 16, 2024, at 7:30 a.m. at the Board



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office.

Captain Bridgman clarified that closed session meeting minutes are taken and discussed with each trainee. Each trainee is asked to initial the minutes to confirm what was discussed.

Commissioner Rodriguez confirmed he also attended the PEC meeting and applauded the PEC on their respectfulness, actions, and guidance. Commissioner Nyborg thanked Commissioner Rodriguez for attending to gain insight into the process as a Board member, stating it is very important the Board understands the PEC process.

Executive Director Garfinkle confirmed that Captains Johnston and Ajax accepted the offers to enter the Pilot Trainee Training Program, and there are four remaining candidates on the 2022 Pilot Trainee Training Program Candidate Ranked List, emphasizing the urgency of establishing a new exam.

- 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 or off probation or dismiss one or more trainees from the program.**

None.

- 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.**

None.

- 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.**

None.

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## 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 presented two Pilot Boarding Arrangements Deficiency Reports.

- The April 1, 2024, Pilot Boarding Arrangements Deficiency Report, for the tanker M/V ELANDRA SPRUCE, reported a missing wedge on the second from the bottom rung, resulting in uneven steps that were not horizontal, and therefore needed rectification as soon as possible. This report, from Captain Murney, was provided to USCG Port State Control. Executive Director Garfinkle reported he has not received further information on this case.
- The April 12, 2024, Pilot Boarding Arrangements Deficiency Report, for the M/V STELLA reported a defective and worn out magnet holding the pilot ladder to the hull. The magnet came off the hull, nearly striking the pilot's head. Pictures were included in the report reflecting the deteriorated magnets. This report, from Captain Weber, was provided to USCG Port State Control and they commented they would forward it for action.

Commissioner Rodriguez voiced a concern regarding confirming changes are addressed. Vice President Hayes-White suggested following up with the USCG to confirm actions taken and Commissioner Carr agreed that the Board owes it to the licensees to follow up on violations. Commissioner Nyborg noted that often they contact the next pilot/port. Commissioner Korwatch agreed this is a significant issue and concerns such as loss of propulsion and ladder failure should be addressed. Executive Director Garfinkle confirmed this is an important safety and security issue. Executive Director Garfinkle noted that an investigator can be sent to inspect the equipment but has no jurisdiction and no enforcement mechanism. Vice President Hayes-White suggested adding this topic to the next Board meeting to discuss solutions suggested by the Board, including but not limited to, following up with the USCG, checking in with the next port, and Pilot Safety Committee review. Vice President Hayes-White confirmed the Board has performed their communication role of reporting but it would be good practice to receive resolution confirmations.

Mr. Jacob noted that, per Harbor and Navigation Code sections 1156.6 and 1156.7, Executive Director Garfinkle has the responsibility to investigate safety issues and report safety issues to the USGC. Mr. Jacob reported investigations are public record. He stated the safety condition issues should no longer exist when the ship is outbound and suggested a reporting/information feedback loop be in place to ensure a safety violation is repaired before a ship leaves port. Vice President Hayes-White thanked Mr. Jacob for his feedback.

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Commissioner Nyborg noted that great effort has been made by stakeholders to address safety concerns, resulting in drastic improvements in the last 10 years. California ports have a high rate of compliance and foreign flagged ships from outside of California appear to get the message by the time they leave California ports; and are compliant when they return. Commissioner Carr added that studies show a higher percentage of compliance in California than other jurisdictions.

**10. Incident Review Committee (IRC)—Reportable Piloting Events (Executive Director Garfinkle/Vice President Hayes-White)**

**(Reportable piloting events occurring up to the start of the meeting will be reported on.)**

Executive Director Garfinkle reported four outstanding events, noting he was prepared to present on the P/V RUBY PRINCESS; however, he also noted the Board may elect to extend the presentation to the next Board meeting due to the absence of key stakeholders at the current meeting. Executive Director Garfinkle requested extensions on the three remaining events, including the M/V EVER LOGIC, M/V NEW HANDY, and M/V BOHOL.

**A) Progress report on the June 30, 2023, event involving the M/V EVER LOGIC that was passing the M/V EVER FASHION, which suffered gangway damage as the result of hydraulic interaction. Possible IRC request and Board action on an extension to present this report at the next monthly Board meeting.**

**MOTION:** Commissioner Carr moved to grant the Incident Review Committee an extension to present its report on the M/V EVER LOGIC at the next Board meeting, on Thursday, May 23, 2024. Commissioner Rodriguez seconded the motion.

**VOTE:** YES: Tynan, Hayes-White, Carr, Korwatch, Nyborg, and Rodriguez.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**B) Progress report on the July 23, 2023, event involving the M/V NEW HANDY, which made unintended contact with San Joaquin River Light #39. Possible IRC request and Board action on an extension to present this report at the next monthly Board meeting.**

**MOTION:** Commissioner Nyborg moved to grant the Incident Review Committee an extension to present its report on the M/V NEW HANDY at the next Board meeting, on Thursday, May 23, 2024. Commissioner Carr seconded the motion.

**VOTE:** YES: Tynan, Hayes-White, Carr, Korwatch, Nyborg, and Rodriguez.  
NO: None.

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ABSTAIN: None.

**ACTION:** The motion was approved.

**C) Progress report on the September 1, 2023, event involving the M/V BOHOL ISLAND, which made unintended contact with the pier at Sacramento, CA. Possible IRC request and Board action on an extension to present this report at the next monthly Board meeting.**

**MOTION:** Commissioner Rodriguez moved to grant the Incident Review Committee an extension to present its report on the M/V BOHOL ISLAND at the next Board meeting, on Thursday, May 23, 2024. Commissioner Carr seconded the motion.

**VOTE:** YES: Tynan, Hayes-White, Carr, Korwatch, Nyborg, and Rodriguez.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

**D) Incident Review Committee report on the P/V RUBY PRINCESS allision with Pier 27, San Francisco, CA. Board deliberation of the Incident Review Committee's recommendations to the Board and determination regarding the event involving the P/V RUBY PRINCESS allision with Pier 27, San Francisco, CA on July 6, 2023. 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).**

Commissioner Nyborg reported he was reluctant to delay the discussion regarding the P/V RUBY PRINCESS, as the initial incident occurred in July of 2023 and reporting and discussion on the issue had been delayed several months; however, with further consideration, he reported the discussion will involve the career of a licensed pilot and could lead to the recommendation of regulation changes that may impact procedures for ships entering this jurisdiction. Commissioner Nyborg noted that President Tynan was not present in-person and phone attendance would impact her opportunity to fully participate in the complex discussion regarding the incident and that the Commissioners may need additional time to review the detailed investigation materials which had been recently released on April 19, 2024. Commissioner Nyborg further noted that Vice-President Hayes-White would not be able to vote on the issue due to her position as a standing member of the Incident Review Committee (IRC), and that two of the main stakeholders from SFBP, Captains McIntyre and Carlier, were not present. Due to the scope of the issues, potential impact, and issues noted above, Commissioner Nyborg recommended an extension to the discussion and possible action regarding the IRC report on the P/V RUBY PRINCESS. Following discussion on the best date to extend discussion to, the Board decided the extend the reporting and discussion to the May 2024 Board meeting.

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Mr. Clack, the attorney representing the licensed pilot involved in the P/V RUBY PRINCESS incident, reported he and his client were ready to proceed, and if the Board were to accept the recommendations from the IRC, recommendation #3 will be a lengthy process.

**MOTION:** Commissioner Nyborg moved to grant the Incident Review Committee an extension to present its report on the P/V RUBY PRINCESS at the next Board meeting, on Thursday, May 23, 2024. Commissioner Carr seconded the motion.

**VOTE:** YES: Tynan, Hayes-White, Carr, Korwatch, Nyborg, and Rodriguez.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved

**E) Incident Review Committee report on the M/V NEW HANDY, which made unintended contact with San Joaquin River Light #39 on July 23, 2023. Board deliberation of the Incident Review Committee’s recommendations to the Board and determination regarding the event involving the M/V NEW HANDY’s unintended contact with San Joaquin River Light #39 on July 23, 2023. 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 and Government Code §11126(c)(3) and (e)(1).**

This agenda item was addressed under agenda item 10B.

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**11. Status report on the regulatory process for mitigating pilot fatigue. (Executive Director Garfinkle)**

Executive Director Garfinkle reported that fatigue regulations were put in place and published. The June delivery of the Fatigue Risk Management System (FRMS) from the SFBP is still pending. This issue will be brought to the Board to address after the Pilot Fitness Committee review is complete. Executive Director Garfinkle recommended holding a Fitness Committee meeting after the FRMS is delivered in June, and Board staff will survey the Fitness Committee members' availability to meet.

**12. Status report on the Board's Information Technology Modernization Project. (Executive Director Garfinkle/Assistant Director Millspaugh)**

Assistant Director Millspaugh reported that BOPC has completed Stage 1 of the standard state department procurement process. BOPC recently completed an all-day meeting with Gartner, Inc. and, once the pending agreement is finalized, a meeting with Gartner, Inc. and CHP will be scheduled to kick off Stage 2 of the PAL (to help assess operations of the Board towards the desired procurement solution). High-level requirement clarification is anticipated by June 2024 and the contract is anticipated to run through April 30, 2026.

**13. Board discussion concerning Board of Pilot Commissioners' website protocols. Discussion and possible formation of ad-hoc Committee to review website protocols. (Executive Director Garfinkle/Board Counsel)**

Executive Director Garfinkle reported there was nothing to present. Board Counsel Tuck stated it is up to the Board to decide if they want to form a committee. Each agency has different ways of handling similar concerns.

**14. Report on shipping activity regionally and within the Board's jurisdiction (Mike Jacob, Pacific Merchant Shipping Association/Captain McIntyre, SFBP)**

Mr. Jacob reported the shipping volumes for the last two months were robust. Compared to last year's numbers, February shipping volumes increased 26% nationally; March volumes increased 19% nationally. Mr. Jacob reported that the overall trend still has room for improvement.

Referencing an April 2024 report by John McClaurin, Mr. Jacob noted that East Coast ports continue to outperform West Coast ports. Mr. Jacob also noted that volumes at West Coast ports have declined, emphasizing the competitive nature the shipping industry and the need for cost-effective port operations. Mr. Jacob also reported progress was made on the congressional front regarding the Water Resources Development Act which would provide

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funding to the U.S. Army Corps of Engineers towards the expansion of the Port of Oakland’s turning basin. Mr. Jacob reported the forecast on exports remains low compared to previous year which could be in part a reflection of the strong dollar which increased the prices of exported goods and may lower demand for those exports. Mr. Jacob further reported he and SFBP have met regarding pilot boat funding issues, they have met with the Department of Finance regarding the authority to spend current Pilot Boat Program funds and will report further at the next Finance Committee meeting on possible next steps regarding statute changes and other pilot boat funding matters.

Following Mr. Jacob’s report, a brief discussion between Mr. Jacob and several Board members ensued regarding West Coast ports, including San Francisco Bay, Humboldt, and Long Beach, and their suitability as staging areas for offshore wind turbine assembly. The discussion also touched on topics related to finance and port logistics, including those which could directly impact the Port of Oakland. However, these projects are not expected to have short term impact on shipping for the shipping market San Francisco Bay/Port of Oakland, and the impact of offshore wind energy projects on the Board has not been determined.

Item No. 15 was moved to the end of the agenda.

**16. Performance Evaluation of the Executive Director (President Tynan)**

**Annual Performance Evaluation of Executive Director. The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation.**

Commissioner Nyborg reported the performance evaluation report of the Executive Director was pending, with some appraisals yet to be received.

**MOTION:** Commissioner Nyborg moved to extend the conversation to the next Board meeting, on Thursday, May 23, 2024. Commissioner Rodriguez seconded the motion.

**VOTE:** YES: Tynan, Hayes-White, Carr, Korwatch, Nyborg, and Rodriguez.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**17. Comment by public and Board members on matters not on the agenda.**

None.

**18. Proposals for the next Board meeting agenda. (President Tynan)**

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Commissioner Carr suggested that the Board consider additional follow-up for incidents with Pilot Boarding Arrangements Deficiency Reports, to ensure safety issues have been addressed.

Vice-President Hayes-White called for a short recess, prior to going into closed session.

Recess began at 11:30 a.m.

Meeting resumed at 11:41 a.m.

Closed session began at 11:41 a.m.

Closed session ended at 11:55 a.m.

**15. Closed session for the Board to confer with legal counsel regarding potential significant exposure to litigation against the Board by two currently licensed pilots. (Board Counsel)**

**The Board is authorized to discuss this matter in a closed session pursuant to the Open Meeting Act, Government Code section 11126, subdivision (e)(1) and (e)(2)(B).**

Open session resumed at 11:56 a.m.

Board Counsel Tuck stated that there was no report out of closed session, and confirmed no action was taken but this item should be kept on the agenda for the next Board meeting, on Thursday, May 23, 2024.

**19. Adjournment.**

Vice-President Hayes-White adjourned the meeting at 11:57 a.m. in memory of Captain Ronald Charlesworth, deceased pilot.

Submitted by:



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Allen Garfinkle  
Executive Director



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## ACRONYM INDEX

<b>Acronyms / Abbreviations</b>	<b>Definition</b>
AB	Assembly Bill
AFMR	Absent For Medical Reasons
AGPA	Associate Governmental Program Analyst
BOPC	Board of Pilot Commissioners
CA	California
CalSTA	California State Transportation Agency
Caltrans	California Department of Transportation
CHP	California Highway Patrol
CMA	California State University Maritime Academy / California Maritime Academy / Cal Maritime
COLA	Cost of Living Adjustment
GRT	Gross Registered Tons
IAA	Inter-Agency Agreement
IFB	Invitation for Bids
MRP	Minimum Rest Period
M/V	Motor Vessel
PaCE	Professional and Continuing Education (program under CMA)
PAL	Project Approval Lifecycle
PBF	Petroplus, Blackstone, and First Reserve
PEC	Pilot Evaluation Committee
PMSA	Pacific Merchant Shipping Association
P/V	Passenger Vessel
SCO	State Controller's Office
SFBP	San Francisco Board Pilots
SOW	Scope of Work
TBD	To Be Determined
UCSF	University of California San Francisco
U.S.	United States
USCG	United States Coast Guard