

<p>Meeting Date: June 27, 2024</p>	<p>Board of Pilot Commissioners (BOPC) for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>BOARD MEETING MINUTES</p>	<p>Page 1 of 24</p>
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ATTENDANCE

Board Members Present

Karen Tynan, President, Public Member
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
Greg Shepherd, Records Management and Program Support Coordinator
Mari McNeill, Administrative Coordinator
Patrick Tuck, Board Counsel (by phone)

Identified Public Present (in person and by phone)

Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent
Kevin Baldwin, SFBP General Counsel
Captain Anne McIntyre, SFBP
Captain Paul Ruff, SFBP
Rex Clack, esq.
Captain Roy Mathur, Petroplus, Blackstone, and First Reserve (PBF) Energy
Mike Jacob, Pacific Merchant Shipping Association (PMSA) President and General Counsel
Jennifer Cohen, PMSA Vice President of Governmental Affairs
Knute Michael Miller, Former Commissioner
Joshua Rayburn, Gartner, Inc.
Cooper Shively, Gartner, Inc.
Roma Cristia-Plant, public, previously CalSTA (by phone)

OPEN MEETING

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

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.

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

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Mr. Jacob introduced Jennifer Cohen, the new Vice President of Governmental Affairs for Pacific Merchant Shipping Association (PMSA).

Captain McIntyre, speaking on her own behalf, highlighted the benefits of a merger between the California State University Maritime Academy (CMA) and the California Polytechnic State University, San Luis Obispo (Cal Poly, SLO), noting CMA’s student population is historically low, and conversely Cal Poly, SLO currently turns down 30,000-40,000 applicants a year, many of which are pursuing a degree in engineering, some of whom may be good CMA candidates who could pursue a degree related to engineering in the maritime industry. Captain McIntyre requested the Board consider a letter of support for the integration of the two universities noting the California State University of Trustees would be updated on the proposed integration at their July 22, 2024, meeting and would be considering a vote on the merger at their meeting in November 2024.

Commissioner Rodriguez voiced his support of the merger and President Tynan requested an agenda item be added to the next Board meeting to consider issuing an official Board recommendation.

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

Board action to approve the minutes from the Board meeting held on May 23, 2024.

The Board members were presented with the draft minutes from the May 23, 2024, Board meeting. Executive Director Garfinkle reported SFBP’s changes were incorporated into the minutes. Ms. Cristia requested to be included in the minutes as an attendee. There was no further discussion.

MOTION: Commissioner Carr moved to approve the draft May 23, 2024, Board minutes. Commissioner Rodriguez seconded the motion.

VOTE: YES: Tynan, Nyborg, Carr, Rodriguez
NO: None.

ABSTAIN: Hayes-White, Korwatch

ACTION: The motion was approved.

4. President Announcements and Activities (President Tynan)

In response to Knute Michael Miller stepping down from his role as Chair of the Pilot Fitness Committee, and in recognition of Mr. Miller’s service to the Board, President Tynan presented a certificate to Mr. Miller for 20 years of outstanding dedication and unwavering commitment to the Board and the people of California.

President Tynan recited the certificate’s contents: For 20 years, Mr. Miller has demonstrated a remarkable spirit of service to the People of California, contributing his time, expertise, and

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passion to advance the mission of the Board of Pilot Commissioners. Mr. Miller’s tireless efforts and exemplary service have set a standard of excellence, making a significant impact on the health and safety of pilots, and protecting the environment within the Board’s jurisdiction. With heartfelt gratitude, the Board honors Mr. Miller for his extraordinary service and invaluable contributions. Presented on this 27th day of June 2024, the 174th year of the BOPC.

Mr. Miller thanked the Board, public, BOPC staff, and stakeholders; recounting that his father was a mariner, from which he has garnered a deep respect for the mariner profession and connection to the service he has provided the Board.

5. Board Member Announcements and Activities (Board Members)

Commissioners Rodriguez and Carr thanked Captain McIntyre for inviting them to join SFBP on the new Pilot Vessel (P/V) GOLDEN GATE on Thursday, June 20, 2024. Commissioner Rodriguez reported this experience helped deepen his understanding of the historic nature, and institutional knowledge, related to the pilots.

6. Directors’ Report (Executive Director Garfinkle/Assistant Director Millspaugh)

A) Correspondence and activities since the Board meeting held on May 23, 2024.

Executive Director Garfinkle reported on the following:

- Executive Director Garfinkle publicly complimented Board staff: Assistant Director Millspaugh, Licensing and Training Programs Manager Alethea (Ally) Wong, Records Management and Program Support Coordinator Gregory (Greg) Shepherd, and BOPC Administrative Coordinator Marjorie (Mari) McNeill. Director Garfinkle further reported that Board staff have made significant contributions to the betterment of the Board. He expressed that he is particularly impressed with the newest Board staff members, Greg Shepherd and Mari McNeill, acknowledging that both have proven to be quick studies on the complex and sometimes arcane subjects and practices related to the work of the Board. Executive Director Garfinkle thanked AGPA Shepherd for the recent changes to the BOPC website, calling it “fine, public facing, work.” Executive Director Garfinkle also congratulated Mrs. Wong, on her recent nuptials, and acknowledged her as the glue that has held BOPC together through many staff transitions.
- On May 24, 2024:
 - The BOPC received a copy of the SFBP’s application for an extension to the California Air Resource Board (CARB), regarding CARB’s Harbor Craft Regulations. BOPC staff have provided the cover letter for this application in the accompanying meeting documents.
 - The BOPC received a copy of the SFBP 2023 Regulation 237(d) Report which

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will be reviewed during the next Pilot Power Committee meeting.

- Executive Director Garfinkle reached out to Graham Benton, Acting Provost for Academic Affairs at CMA, to determine if CMA is a viable option for providing the staffing necessary for the pilot exam.
- On May 28, May 31, June 12, 13, and 21, Board staff participated in meetings with Gartner, Inc. to discuss the functioning of the Board, noting these were very productive meetings involving in-depth conversation on the current state of the Board's business practices.
- On May 29, 2024, Board staff received a copy of the PMSA West Coast Trade Report for May 2024.
- On May 30, 2024, Board staff received a copy of the SFBP Fatigue Risk Management System.
- On May 31, 2024:
 - Board staff received approval of BOPC's 2023 Annual Report to the Legislature from CalSTA and the Governor's office.
 - Board staff submitted a request to the Department of Finance (DOF) requesting permission to lower the Board Operations Surcharge to 5.5%. A copy of this letter may be found in the meeting documents. This is the only surcharge the Board needs to obtain DOF approval to change.
- On June 3, 2024, the BOPC submitted the Board's Annual Report to the Legislature. A copy is included in the documents and is available on BOPC's website.
- On June 5, 2024, Board staff received news that California State University Trustees are considering integrating CMA and Cal Poly, San Luis Obispo due to financial challenges at the stand-alone CMA.
- On June 7, 2024, Board staff were informed that Robert Aledo will be the new primary point of contact for the pilot program at the University of California San Francisco (UCSF) Medical Center.
- On June 10, 2024, President Tynan formed a two-person Website Review Committee consisting of herself and Commissioner Rodriguez.
- On June 13, 2024, Executive Director Garfinkle attended the Harbor Safety Committee meeting remotely. At this meeting the United States Coast Guard (USCG) presented the Significant Port Safety and Security Cases for May 2024. There was only one loss of propulsion reported and it was on a small passenger vessel (ferry), and one equipment failure where a United States (U.S.) Flag container vessel experienced an emergency fire pump failure. There were no other losses or reductions of propulsion noted.
- On June 18, 2024, Board staff attended the Pilot Fitness Committee meeting.
- On June 19, 2024, Executive Director Garfinkle attended the open session of the Pilot

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Evaluation Committee (PEC) meeting.

- On June 20, 2024:
 - Executive Director Garfinkle received a response from Graham Benton at CMA, reporting that either he, or Mark Goodrich, Associate Vice President for Enterprise Services, would follow up in mid-July with some information on how they intend to meet the pilot exam needs.
 - Executive Director Garfinkle received word that former Commissioner, Jennifer Schmid, is willing to serve on the following committees: Pilot Power, Pilot Safety, Diversity, and the Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam.
- On June 25, 2024, Board staff received a copy of the American Pilot Association newsletter “On Station.” This newsletter was included in the agenda item 6A attachments.

B) Report on pilot licensing matters since the Board meeting held on May 23, 2024.

Executive Director Garfinkle reported since the May 2024 Board meeting, the Board has issued license renewals to the following Board licensees: Captains McCloy, Cvitanovic, Fawcett, Carr, Manes, Nyborg, Larwood, D'Aloisio, Slack, and Long.

C) Report on Board surcharges.

Executive Director Garfinkle reported the SFBP wired \$937,070.11 to the Board for surcharges collected in May 2024, itemized as follows:

- Operations Surcharge \$ 266,955.46
- Pilot Training Surcharge \$ 34,118.06
- Trainee Surcharge \$ 33,018.75
- Pilot Boat Surcharge \$ 602,977.84

D) Report of pension fiduciary.

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

- Surcharge Rate for the Quarter \$ 0.04583/gross registered ton
- Rolling Look Back Period January 2023 through December 2023
- Monthly Tonnage for May 27,529,611
- Surcharge Billing Total \$1,261,682.06
- Administrative Costs for the Month \$2,522.85

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- Amount Distributed to Pension Beneficiaries \$1,259,159.21
- Total Monthly Target Rates \$1,211,139.71
- Amount Over/(Under) Target \$50,542.35

The last Cost of Living Adjustment (COLA) increase 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.

Nothing to report.

F) Report on legislative activities and contractual matters.

Legislative Activities

For legislative matters, Assistant Director Millspaugh reported the following:

Assembly Bill (AB) 1122

Board staff continue to track AB 1122. This bill would require any diesel particulate filter installed on a Commercial Harbor Craft (CHC) to be equipped with an emergency bypass system. This bill also delays the compliance dates for towing vessel CHCs to replace or retrofit their engines until their next regularly scheduled inspection by the USCG or an authorized classification society. The bill continues to include language exempting pilot vessels used for transporting a maritime pilot in furtherance of their official duties. Board staff will continue to monitor the bill as it proceeds. Board staff does not anticipate any additional changes.

Senate Bill 295 (Dodd/Grayson)

This bill authorizes changes to Harbors and Navigation Code (HNC) section 1159.1 and expands the authority of the Board to expend funds from the Board’s Special Fund for pilot boats. Special Funds would be continuously appropriated and provide funding for the costs of obtaining new pilot boats and for design and engineering modifications to extend the service life of existing pilot boats. This bill would eliminate expenditure authority restrictions set in HNC, § 1159.1 and would allow authorized expenditure of pilot boat funds not to exceed the amount available within the Special Fund, regardless of the fiscal year the funds are collected. This bill is set to be heard in the Assembly’s Transportation Committee on July 1, 2024.

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Assembly B 1296 (Dodd/Grayson)

This bill prohibits a state regulation from requiring or compelling licensed pilots, collectively known as the SFBP, to replace certain pilot boats until a pilot boat reaches the end of its useful service life. The bill requires that the useful service life of a pilot station boat be between 25 and 35 years from commission date. The bill requires the California State Air Resources Board (CARB), in consultation with the Board and an approved accredited marine surveyor, to determine a pilot station boat’s useful service life. The bill passed out of the committee on Governmental Organization was referred to the Committee on Environmental Quality.

Executive Director Garfinkle reported, regarding AB 1296, an approved accredited marine surveyor determines the life of a vessel. Captain McIntyre added that SFBP has coordinated with the same licensed individual for many years. This individual is contracted by SFBP to act as an independent marine surveyor to determine if a vessel is safe to operate or needs repairs, every two years. SFBP submits these surveys to the Board for approval. Captain McIntyre further reported in general Pilot vessels typically have a 30-year service life.

Contractual Matters

Assistant Director Millspaugh reported that Board staff are currently working on the following contractual matters:

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

Assistant Director Millspaugh reported that the development of a new contract with the CMA for Trainee Selection Exam services has been delayed because the CMA has not identified staffing for the next simulator exam test component.

State Controller's Office (SCO) - Audit Services - Surcharges Contract - Expiration: TBD

Assistant Director Millspaugh reported that the agreement draft between the Board and State Controller’s Office (SCO) has been finalized and is under review by the SCO for signature.

State Controller's Office (SCO) - Pilot Boat Program Audit Contract - Expiration: TBD

Assistant Director Millspaugh reported Board staff continue to develop a new Inter-Agency agreement between the Board and the SCO for the Pilot Boat Program Audit and will continue to meet with the SCO to finalize a draft scope of work and budget.

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

Assistant Director Millspaugh reported that the agreement between the Board and Mah & Associates has been finalized and will go into effect after the termination of the short-term agreement put in place while the Invitation for Bid for the long-term contract was in process.

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

Assistant Director Millspaugh reported that Board staff continue to work towards finalizing an amendment to the current agreement between the Board and UCSF, extending the term to June 30, 2025, and adding additional funds to the budget. Board staff have been in contact with UCSF on a regular basis to help ensure the agreement is in place in a timely manner. UCSF currently has the agreement for review.

Administrative Services with the California Highway Patrol:

Assistant Director Millspaugh reported that Board staff continue to work with staff at the California Highway Patrol (CHP) to develop a new scope of work and budget for an interagency agreement for administrative services. A scope of work and final budget is under development.

General Report Notes

Executive Director Garfinkle reported that Board staff submitted documentation related to the Board Operations surcharge change to the Department of Finance (DOF) in a timely manner and have been following up regularly. He reported there has been no response from DOF regarding their review or approval to the change in the surcharge, however he expected to receive an update soon. A copy of the submittal was included with the attachments for agenda item 6A. Mr. Jacob added he would follow up with the Department of Finance as well.

Commissioner Carr thanked the Board staff for the website improvements and timely drafts of meeting minutes. Commissioner Rodriguez requested the official minutes include a statement that the Board recognizes the Board staff's improvements to the BOPC website.

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

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

The Port Agent, Captain Carlier, reported that, as of June 2024, the following pilots are Absent for Medical Reasons (AFMR) and the initial absence date:

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- Captain Teague since February 14, 2024
- Captain Ruff since May 8, 2024
- Captain Ridens since May 22, 2024

Captain Carlier reported the SFBP continuously 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. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings or committee assignments, cancelling previously granted compensation time requests, deferring scheduled training sessions, or calling in off-watch pilots.

Captain Carlier reported there are currently 52 licensees on the SFBP roster.

In May, there were 3 MRP exceptions, with the shortest rest period being 11.8 hours.

B) Monthly report on SFBP ship piloting business activity.

For May 2024, Captain Carlier reported normal operations for all Pilot Vessels which includes the California, Drake, Golden Gate, Pittsburg, and San Francisco.

Captain Carlier reported vessel moves for May 2024 were as follows:

- Bar Crossings: 475
- Bay Moves: 136
- River Moves: 47
- Total Moves: 658
- Gross Registered Tons (GRT): 27.5 million

He also reported when comparing 2024 year-to-date vessel move data with the same period in 2023, total moves were up 2.6% and GRT was up 15.3%.

President Tynan was encouraged to hear the reported increase of moves and tonnage.

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 (HNC) § 1157.1.

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None.

8. Pilot Evaluation Committee (Committee Chair)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on June 19, 2024.

Captain Ruff presented the Pilot Evaluation Committee (PEC) Chairman's Report on the following:

- The PEC met on June 19, 2024. The members present were Captains Wehr, Slack, Bridgman, Stultz and Ruff.
- Executive Director Garfinkle joined the committee in open session. He shared that concerns still exist regarding CMA's ability to provide adequate personnel for administering the simulator exam.
- There are five active trainees including Gallo, Barron, Johnson, Ajax, and Johnston. The trainees' time in the program ranges from six weeks to nine months.
- All five 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 ship under direct supervision of a licensed pilot.
- Trainees Gallo and Barron are still testing for their federal pilotage with the USCG. They are expected to be done ahead of the 12-month mark.
- Trainee Gallo was asked to christen American President Lines, LLC's (APL) newest ship, the JOHN QUINCY ADAMS, down in Los Angeles, and is keeping on top of her training.
- In closed session, all trainees were individually interviewed and counseled on their progress in the training program.
- As of now, all trainees are meeting recommended benchmarks and are progressing at their own rate.
- The next PEC meeting is scheduled for Wednesday, July 17, 2024, 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 or off probation or dismiss one or more trainees from the program.

None.

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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.

Although no recommendations were made to issue pilot licenses, Commissioner Carr mentioned that Trainee Gallo was asked to Christen APL’s newest vessel, John Quincy Adams, while the ship called in Los Angeles. Captain Gallo was also able to perform a pilot training trip when the vessel called on Oakland. Commissioner Carr wanted the Board to be aware of this honor bestowed upon a trainee in the program.

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 reported that on June 13, 2024, Captain McIntyre notified Board staff of a safety issue aboard the outbound HONORABLE (HON.) HENRY JACKMAN; with a letter attached from Captain Erik Fawcett detailing the parting of a gangway wire while the ship was outbound to the pilot station. Executive Director Garfinkle recited the summary included in the attachment for agenda item nine, stating:

- As part of his plan for disembarking at the pilot station, Captain Fawcett (and trainee Ben Ajax) requested a portside combination ladder for disembarking. As both gangways were swung out and ready for use, the ship’s crew set about stowing the starboard gangway. During this routine operation, the starboard gangway wire parted, allowing the starboard gangway to hang vertically from the deck level platform.
- The starboard gangway had been used by Captain Fawcett and two trainees the previous day when boarding by tugboat for a shift from Richmond to Redwood City.
- Excessive motion inhibited safe gangway retrieval, so Captain Fawcett maneuvered the ship to a position just north of the shipping channel, just west of Point (Pt.) Bonita.
- By 5:15 p.m., the ship was hove to (nearly still), with the bow pointing north. The crew

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rigged a Jacob’s Ladder (a rope ladder hanging on the side of the vessel) next to the dangling gangway and dispatched a crew member to climb down the ladder and rig a sling to the gangway to enable hauling it back up. Using a mooring winch, the crew was eventually able to bring the gangway back to deck level and secure it. This process took approximately three and a half hours.

- The wires for both the starboard and port gangways were scheduled to be replaced in September 2024, so Captain Fawcett requested the crew attach extra safety lines to the port gangway prior to his departure and the SFBP requested the vessel to change out wires to both gangways and provide evidence of the repairs.
- On June 13, 2024, Executive Director Garfinkle contacted the SFBP dispatcher to identify the agent for the ship. With that information, he contacted the local shipping agent to confirm that they were aware of the incident and issue, which they were. Executive Director Garfinkle then contacted the ship’s next port of call, Port McNeil, in British Columbia, Canada; the agency (Wheelhouse Shipping); and the British Columbia Pilots, and Transport Canada, the inspection arm of the Canadian Coast Guard (their Victoria office and their Prince Rupert office) to ensure all parties were aware of the situation.
- In response, the local agent, Brian Mahony, with General Steamship Corporation Limited (Ltd), forwarded a rectification report, dated June 15, 2024, that detailed the replacement of both the port and starboard gangway wires (signed by the master) and a note that Transport Canada had cleared the ship.

Executive Director Garfinkle confirmed the issue was resolved with the certification provided. President Tynan and Commissioner Carr praised Captain Fawcett and Board staff for handling the situation in an efficient manner.

The Commissioners discussed safety procedures for boarding and the dangers of not having proper gangway access, citing certain facilities at the Port of Richmond as an example. The SFBP identified boarding issues at a Port of Richmond facility and has been working resolve them for over eight years. Commissioner Korwatch suggested discussing the issue at a Harbor Safety Committee meeting. Commissioner Rodriguez requested an agenda item for updates and potential actions regarding the Port of Richmond.

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 there were no new events and requested an extension to July 2024 for agenda items 10A and 10B, adding the report presentation delay would pose no public safety risks. Executive Director Garfinkle advised agenda items 10C and 10D may require closed session conversations. It would be best to move the closed session discussions so all agenda items requiring a closed session could be discussed at the same time.

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- A) Progress report on the June 30, 2023, event involving the Motor Vessel (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 Korwatch moved to grant the Incident Review Committee an extension to present its report on the Motor Vessel (M/V) EVER LOGIC at the next Board meeting, on Thursday, July 25, 2024. Commissioner Rodriguez seconded the motion.

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

ACTION: The motion was approved.

- B) 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 Motor Vessel (M/V) BOHOL at the next Board meeting, on Thursday, July 25, 2024. Commissioner Korwatch seconded the motion.

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

ACTION: The motion was approved.

Recess began at 10:39 a.m.

Meeting resumed at 10:54 a.m.

President Tynan announced agenda item 10C would be discussed in closed session, after agenda item 18.

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D) 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. If the report is not presented, the IRC may request an extension. If that is the case, possible Board action to extend the M/V NEW HANDY to the next monthly Board meeting.

The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code (HNC) §1180,6 and Government Code §11126(c)(3) and (e)(1).

Possible IRC request and Board action on an extension to present this report at the next monthly Board meeting.

Two minor spelling corrections were requested for the IRC Report attachment for agenda item 10D.

Executive Director Garfinkle recited the summary included in the IRC Report attachment for agenda item 10D, stating:

- The M/V NEW HANDY, a bulk carrier with a length of 600 feet bound for Stockton, began with a normal and stable transit.
- At 6:45 a.m., the ship rounded Oulton Point (on the San Joaquin River) and Captain Ray Ridens had the helmsman steady up on course 015 degrees, just prior to starting a long 50-degree bend to starboard.
- Captain Ridens stated that he typically makes this turn with either successive five-degree course changes or on continuous helm order. On this day, he stated he initiated the turn with a ten-degree helm order and then ordered the helm amidships. He recalled that he allowed the ship to swing slowly to starboard and when passing 025 degrees, he gave the order to 035 degrees. The quartermaster repeated the command and began adding counter-rudder to slow the swing.
- Captain Ridens recalled that the ship was in a good position, and everything seemed to be in good order, when he looked away for a moment, and when he looked back, he realized that the swing had stalled. To correct, he ordered 20-degrees right rudder to quickly increase the rate of turn. At this point, the ship speed over ground was 11-knots, aided by a one-knot following current. The increased rate of turn drove the port quarter of the ship down on to Light #39. Captain Ridens stated that he held the rudder over to develop positive angle away from the shallow area to port.
- The port quarter of the ship came in contact with the cage of the light and scraped down the hull. The light appeared to be in position but leaning slightly, and the cage appeared to be askew. As it was daylight when they passed the light, it was unclear if

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- it was working properly. Captain Ridens stated the light appeared to be in its proper position before and after the contact.
- Captain Ridens observed that, other than scraped paint on the ship, there was no other obvious signs of contact. Although there was minimal damage to the ship, the repair costs for the light are estimated at around \$80,000.
 - The Legislature has delegated authority to the Board to establish an incident review committee to review all reports of misconduct or navigational incidents involving pilots or other such matters for which a license issued by the Board may be revoked or suspended. HNC section 1181 defines misconduct, in part, as “(g) negligently, ignorantly, or willfully running a vessel on shore, or otherwise rendering it liable to damage, or otherwise causing injury to persons or damage to property.” After reviewing the evidence and ruling out ignorance or willfulness as the cause of any damage in this event, the IRC has limited its analysis and conclusions to a consideration of negligence.
 - Given this analysis, it appears that both the position of the ship, adjacent to the north bank, and Captain Ridens’ temporary lapse of attention to the continuity of the rate of turn, contributed to the allision.
 - The standard of care is that Captain Ridens acts with the same degree of care and skill possessed by the average pilot. He must exercise the degree of skill commonly possessed by others in the same employment, and although he is not liable for mere errors in judgment, he is liable for damage caused by his failure to exercise the diligence which others similarly situated would ordinarily have exercised.
 - While it might be easy, in hindsight, to say that another pilot in the same circumstances might have not found themselves in the same position, it is equally justifiable to say that the circumstances leading up to the contact were mere errors in judgment. For these reasons, considering Captain Ridens’ quick actions to mitigate the damage, the IRC concludes that it was an error in judgment to both be so far to the north in this turn and to not monitor the rate of turn more closely, that we recommend the Board find Captain Ridens not guilty of negligence or misconduct and allow this report to stand as a lesson learned.

Executive Director Garfinkle added that pilots must process a lot of information in this section of the river, and it is believed that Captain Ridens found himself too far north and, while making sure the ship wouldn’t run aground, he hit the marker.

To support a better understanding of the pilot’s familiarity with the route, Commissioner Rodriguez requested future reports include the pilot’s recent frequency conducting the route (number of river transits made in the past year), not just the years of experience as a pilot. Commissioner Rodriguez explained the recent number of trips the pilot made could impact the decision, such as if the number of recent trips is high then the mistakes may be due to fatigue; and if the number of recent trips is low then it could indicate the pilot is a bit rusty; so, it is important to include this count.

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MOTION: Commissioner Korwatch moved to approve the M/V NEW HANDY findings, noted in the IRC report, and record the incident as a lesson learned without a finding of misconduct. Commissioner Rodriguez seconded the motion.

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

ACTION: The motion was approved.

11. Pilot Fitness Committee (Committee Chairperson)

A) Report on the Pilot Fitness Committee meeting held on June 18, 2024.

Commissioner Korwatch thanked the previous Pilot Fitness Committee chairperson Miller for acting as chair for the Pilot Fitness Committee meeting on June 18, 2024. The events of the Fitness Committee meeting included:

- Pilot Fitness Committee Chair Miller stepped down from his position and the Pilot Fitness Committee approved the appointment of Committee member Korwatch as the new chairperson.
- The pilot and trainee fitness determination processes were discussed.
- Captain McIntyre explained the details regarding the Fatigue Risk Management System (FRMS).
- An additional mental fitness trainee screening was discussed.

B) Possible Pilot Fitness Committee recommendation on approval of the Fatigue Risk Management System (FRMS) as submitted by the Port Agent as required under the Pilot Fatigue Regulations (Port Agent Carlier and Board staff).

Possible Board action to accept a recommendation from the Pilot Fitness Committee on approval of the FRMS.

Commissioner Korwatch reported that the Pilot Fitness Committee recommended the Board approve the Fatigue Risk Management System (FRMS) recommended by the SFBP.

Captain McIntyre reported the FRMS corresponds with the staff report. The implementation timeline will be dependent on the approval, but SFBP anticipates being able to start reporting monthly in August 2024. Upon approval, SFBP will move forward with programing and ensure data accuracy.

MOTION: Commissioner Korwatch moved to approve the FRMS. Commissioner

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Hayes-White seconded the motion.

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

ACTION: The motion was approved.

C) Possible Pilot Fitness Committee proposal to add a mental fitness element to the initial trainee medical assessment conducted prior to contracting with training candidates from the Trainee Training Program Selection Exam list. (Board staff).

Possible Board action to accept a recommendation from the Pilot Fitness Committee on adding a mental fitness element to the initial trainee medical assessment.

Commissioner Carr reported the Pilot Fitness Committee recommended the Board refer the matter of mental health evaluation to the Pilot Fitness Committee to review for further evaluation. Executive Director Garfinkle agreed with the recommendation for the Board to grant the Pilot Fitness Committee the authority to pursue and review potential avenues for additional mental health assessments.

MOTION: Commissioner Carr moved to approve the Pilot Fitness Committee’s additional recommendation to refer the matter of mental health evaluation to the Pilot Fitness Committee to review for further evaluation.
Commissioner Rodriguez seconded the motion.

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

ACTION: The motion was approved.

Agenda item 12 was discussed in closed session, as a part of the discussion regarding agenda items 17 and 18, as discussed further below.

13. Status report on the Board’s Information Technology Modernization Project. (Executive Director Garfinkle/Assistant Director Millspaugh)

Assistant Director Millspaugh reported that Board staff have met with the contractor, Gartner, several times and have achieved significant progress toward the second stage of the project scope, referred to as the Project Approval Lifecycle (PAL), for the Board’s Information Technology Modernization Project (ITMP) to modernize Board functions and capabilities. Assistant Director Millspaugh introduced the contractor representatives (from Gartner) who have been working with Board staff on the ITMP, which included Gartner Associate Director, Joshua Rayburn, and Gartner Consultant, Cooper Shively.

Associate Director Rayburn reported:

- Gartner outlined the potential scope and status of the PAL project but reported the scope may change as more details are identified. Gartner continues to work with Board staff to

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identify the current process of the Board, and the pain points, to find the best methods and strategies available to positively impact the Board’s process.

- The project scope of PAL is divided into four stages and each stage has high-level overview data and more detailed data. With PAL Stage 1 previously completed, Gartner is working with Board staff to complete PAL Stages 2 -4. The four stages of the PAL include: stage 1- business analysis, stage 2 – alternatives analysis (identify the best solution for the Board’s needs), stage 3 – solution analysis (develop the solicitation to go to the market), and stage 4 – project readiness and approval (support the Board in posting solicitation).
- Gartner reported the last meeting to review the BOPC process would follow directly after the June 27, 2024, Board meeting.
- Reviewing the information from PAL Stage 1, Gartner has a grasp of the high-level tasks needed for the Board’s business functions. Gartner has started working towards identifying Board business processes. The detail analysis, produced from Stage 2, potential solutions the Board could pursue solutions which may include automating current manual processes, , custom made software, database related solutions, additional staff, etc.
- Gartner intends to consult with at least three external stakeholders, including as Board members, SFBP staff and industry representatives.
- Gartner began this project on May 16, 2024 and anticipates the project will take 18 months to reach the completion goal. An additional breakdown was included in the project timeline on slide 9 of the attachment for agenda item 13.

Assistant Director Millspough reported he will continue to coordinate these highly valuable meetings with Gartner, supported by CalSTA. All stages are heavily reviewed and approval for all project steps must be obtained from the California Department of Technology (CDT).

Associate Director Rayburn reported converting the manual process to a digital process will likely be a two-step solution: to have someone provide the space for digital files and someone to convert all the records to digital files. Associate Director Rayburn added that Gartner does not anticipate finishing this project earlier than scheduled, as the timeline for completion was already shortened from the initial estimate of two years.

President Tynan reported a request from an attendee to move agenda item 16 up and announced agenda items 14 and 15 would be addressed after agenda item 16.

16. Stakeholders report on subjects that may be of interest to the Board, including reports on shipping activity regionally and within the Board’s jurisdiction (Mike Jacob, Pacific Merchant Shipping Association (PMSA)/Captain McIntyre, SFBP)

Mr. Jacob reported that shipping volumes and growth for the port have been robust. Overall, west coast trade and shipping volumes are relatively high, including Seattle and Oakland.

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The west coast shipping volumes have risen due, in part, to the ongoing issues with the middle east and developments on the east coast.

Mr. Jacob requested the Board consider supporting the bills related to the pilot boat financing that will be up at the transportation and environmental quality committees next week. Mr. Jacob reported there may be some opposition to the legislation but, Mr. Jacob asked for the Board’s consideration of support. Mr. Jacob intends to support the bills by emphasizing the costs associated with the current vessel replacement timeline and the potential costs savings should the timeline be extended under the proposed legislation.

Captain McIntyre thanked the Board for expanding the agenda item, providing the opportunity to give a more detailed report. The updates Captain McIntyre reported on included the following:

- The SFBP continues to make efforts to sell the old P/V GOLDEN GATE. This vessel has been on the market for several months with no interest. To encourage the sale, the SFBP dropped the price by 25% but it remains difficult to sell due to its age and the CARB emission restrictions, restricting its operation in California. It may not be possible sell this vessel or the SFBP may have to sell it for a significantly lower amount. When the vessel is sold, the proceeds will go to the pilot boat program.
- The SFBP is currently working towards establishing a lease with the Navigation Technology (Navtech) equipment provider, instead of continuing to buy new equipment, because the technology changes so frequently. Once the SFBP has entered into the lease, every pilot will have the same set of gear that is regularly updated.
- The SFBP monthly report will continue to include pilot boat build updates. The pre-engineering for the new station boat project has been completed. The package for the yard is ready to go but the SFBP is waiting on the proposed legislation which may affect the timeline for the build of the new pilot boat. Captain McIntyre further reported the boat builds are very involved projects costing approximately \$22 million per boat and the proposed legislation could reduce these costs by eliminating the need to finance boat builds, removing potential additional expenses, such as interest incurred from a loan.

Captain McIntyre reported obstacles to selling the old P/V GOLDEN GATE include the unappealing nature of purchasing a 30-year-old vessel and the potentially problematic logistics of transporting it to an international buyer, if one is interested. Captain McIntyre added that if the legislation passes that it would help with build timelines, so the SFBP would not have to ask for extensions from CARB. Captain McIntyre reported the SFBP has filed extension requests with CARB, but she anticipates the extension will extend the deadline for one to two years and, although the SFBP supports the goals of CARB’s emission standards, the extensions are not compatible with the business process needed to support the build of new pilot boats.

Commissioner Rodriguez requested the opportunity for the Board to support the SFBP’s proposed senate bill. Board Counsel Tuck reported he had reached out to his advisory staff at the Department of Justice for the best way for the Board to show support and anticipated a

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response by close of business June 27, 2024. Board Counsel Tuck also recommended adding agenda items for anything the Board wishes to take formal action on. President Tynan requested the next Board meeting agenda include an agenda item for the Board to approve this formal action.

14. Board discussion concerning Board of Pilot Commissioners’ website protocols. Discussion of appointment of Board members to review website content. (President Tynan/Board Counsel)

Board Counsel Tuck reported President Tynan and Commissioner Rodriguez volunteered to form a committee, consisting of the two of them, to review website protocols.

President Tynan explained this committee is intentionally small to create efficacies toward providing direction to Board staff. This committee will use their best judgement and collaborate with Board Counsel Tuck to support robust discussion.

15. Report and discussion of Pilot Trainee Training Program Selection Exam, including discussion on choice of vendors and subject-matter expertise for creating and hosting simulator portion of the exam.

Executive Director Garfinkle reported working with CMA (Associate Provost Graham Benton) to see if they had resources to support the trainee exam process. CMA confirmed they believe their personnel resources inside and outside the faculty are sufficient but have not identified them to BOPC yet. An additional response is expected from CMA by mid-July 2024.

Executive Director Garfinkle recommended forming an ad hoc committee and holding a meeting in July 2024 to review exam protocols. One committee member, Jennifer Schmid, has been identified so far. Additional committee members still need to be identified to form the committee. Once the members are selected, a meeting date will be chosen for the necessary review and presentation of exam issues. This committee must meet to establish guidelines, a scope of work, and a timeline to meet the goal of holding the next exam in June 2026. Executive Director Garfinkle also recommended having the Ad Hoc Committee on Pilot Diversity meet to identify ways to diversify the candidate pool because there is only a small pool of candidates remaining on the list from the previous exam. The Pilot Power Committee annually surveys pilots to determine the number of pilots intending to retire.

Commissioner Carr volunteered to join the Pilot Trainee Training Program Selection Exam committee.

Closed session began at 12:09 p.m.
Closed session ended at 1:00 p.m.
Open session resumed at 1:01 p.m.

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Board Counsel Tuck reported that the Board had discussed agenda items 12, 17, 18, and 10C during the closed session. Board Counsel Tuck relayed the Board's actions, from the closed session, recorded in the corresponding agenda items below.

12. Presentation and discussion of a request for a disability pension by licensee Captain Drew Aune (Executive Director Garfinkle)

Presentation and discussion of disability pension request by licensee Captain Drew Aune. Possible Board deliberation and finding on:

- A) Whether Captain Aune is disabled within the meaning of Harbors and Navigation Code (HNC) section 1164(b). In this context, “disabled” means “a disability of permanent or extended and uncertain duration, as determined by the board, based on competent medical opinion.”**

Board Counsel Tuck reported agenda item 12A was voted on and approved by the Board during the closed session. The Board confirmed Captain Aune is disabled within the meaning of HNC section 1164(b).

- B) If the Board determines that Captain Aune is disabled as defined in section 1164(b) and unable to perform the duties of a pilot, the Board must determine the date that the disability became permanent (or of extended and uncertain duration), and Captain Aune was unable to perform the duties of a pilot.**

Board Counsel Tuck reported agenda item 12B was voted on and approved by the Board during the closed session. The Board approved Captain Aune's disability, effective March 8, 2024.

- C) Possible Board action determining whether Captain Aune is disabled within the meaning of Harbors and Navigation Code (HNC) section 1164(b) and unable to perform the duties of a pilot, and the date that the disability became of a permanent or extended and uncertain duration and Captain Aune was unable to perform the duties of a pilot. The Board may go into Closed Session to discuss Captain Aune's confidential medical reports as authorized by Harbors and Navigation Code (HNC) section 1157.1.**

Board Counsel Tuck reported, that, pursuant to the votes on agenda items 12A and 12B, Captain Aune's request for a disability pension, effective March 8, 2024, was approved by the Board in closed session.

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17. Closed session for the Board to confer with legal counsel regarding potential significant exposure to litigation against the Board involving two 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).

Board Counsel Tuck reported that no action was taken by the Board in closed session.

18. 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.

Board Counsel Tuck reported that during the closed session the Board voted to continue agenda item 18 to the Board meeting on July 25, 2024.

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.)

C) Incident Review Committee report on the Passenger Vessel (P/V) RUBY PRINCESS allision with Pier 27, San Francisco, CA.

The Board may go into closed session for review of the written decision made during deliberations on May 23, 2024, of the incident report presented under this item pursuant to Harbors and Navigation Code (HNC) §1180.6(a) and Government Code §11126(c)(3) and (e)(1).

Board announcement of decisions made during Board deliberation in closed session on May 23, 2024, and reviewed in closed session during this meeting, regarding 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.

Board Counsel Tuck reported that, during the closed session, the Board voted on and approved the language for the Board’s order, as discussed in closed session at the Board’s June 2024 meeting, regarding the event involving the P/V RUBY PRINCESS, as follows:

1. The Board will issue a letter of serious concern to Captain Slack regarding his error in passing the conn to the master twice, one of which occurred after he observed damage to Pier 27 from the allision of the RUBY PRINCESS.
2. Captain Slack shall address the San Francisco Bar Pilots (SFBP) in an

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advisory/lessons learned fashion to educate the membership on the issue of passing the conn to a mariner who does not hold the appropriate state or federal pilot license.

3. The Board reserves the right to take action as needed to address the general issue of pilots' practices in passing of the conn to a ship's master at a later date.

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

President Tynan reported the written decision items will be signed, processed, and posted on the Board's website.

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

None.

21. Adjournment.

MOTION: Commissioner Nyborg moved to adjourn the meeting. Commissioner Tynan seconded the motion.

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

ACTION: The motion was approved.

President Tynan adjourned the meeting at 1:06 p.m.

Submitted by:



Allen Garfinkle
Executive Director

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ACRONYM INDEX

Acronyms / Abbreviations	Definition
AB	Assembly Bill
AFMR	Absent For Medical Reasons
APL/Marine Exchange	American President Lines, Limited Liability Company (LLC)
BOPC/Board	Board of Pilot Commissioners
CA	California
Cal Poly	California Polytechnic State University
CalSTA	California State Transportation Agency
CARB	California Air Resources Board
CDT	California Department of Technology
CHC	Commercial Harbor Craft
CHP	California Highway Patrol
CMA	California State University Maritime Academy / California Maritime Academy / Cal Maritime
COLA	Cost of Living Adjustment
Conn	A term of art meaning the conduct of a vessel.
FRMS	Fatigue Risk Management System
GRT	Gross Registered Tons
HNC	Harbors and Navigation Code
Hon.	Honorable
IAA	Inter-Agency Agreement
IRC	Incident Review Committee
ITMP	Information Technology Modernization Project
Ltd	Limited
MRP	Minimum Rest Period
M/V	Motor Vessel
Navtech	Navigation Technology
PAL	Project Approval Lifecycle
PBF	Petroplus, Blackstone, and First Reserve
PEC	Pilot Evaluation Committee
PMSA	Pacific Merchant Shipping Association
Pt.	Point
P/V	Passenger Vessel or Pilot Vessel
SCO	State Controller's Office
SFBP	San Francisco Bar Pilots
TBD	To Be Determined
UCSF	University of California San Francisco
U.S.	United States
USCG	United States Coast Guard