
Board of Pilot Commissioners (BOPC)
for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street, San Francisco, CA 94111

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
Stephanie Dougherty, Designee for the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

Vacant, Wet Cargo Industry Member
Sam Rodriguez, Public 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

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 Business Director
Captain Paul Ruff, SFBP
Captain Kristopher Laakso, SFBP (by phone)
Rex Clack, esq., Rex M Clack (RMC) Law
Captain Roy Mathur, Petroplus, Blackstone, and First Reserve (PBF) Energy
Jennifer Cohen, Pacific Merchant Shipping Association (PMSA) Vice President of
Governmental Affairs
Roma Cristia-Plant, public, previously CalSTA (by phone)
Jayne Stevenson, Climate Policy Associate, Pacific Environment (by phone)
Regina Hsu, Senior Attorney, Earth Justice (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.

Ms. Cristia-Plant reported being present, remotely, by phone. No other comments.

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

Board action to approve the minutes from the Board meeting held on June 27, 2024.

The Board members were presented with the draft minutes from the June 27, 2024, Board meeting. There was no further discussion.

MOTION: Commissioner Carr moved to approve the draft June 27, 2024, Board minutes. Commissioner Hayes-White seconded the motion.

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

ACTION: The motion was approved.

4. President Announcements and Activities (President Tynan)

President Tynan reported on the following:

- There was a request to discuss agenda item 14 between agenda items 8 and 9.
- President Tynan attended a meeting with the PMSA, and a meeting with which included California Air Resources Board (CARB), and Board Counsel Patrick Tuck.
- President Tynan reached out to the Director of the Port of Richmond regarding the safety issues cited at Terminal 8 (RCH22) and invited him to attend a future Board meeting.

5. Board Member Announcements and Activities (Board Members)

Commissioner Nyborg reported that had a meeting with the Port of Richmond, on July 2, 2024, to address the safety issues cited regarding Port of Richmond, Terminal 8 (RCH22). Commissioner Nyborg reported the meeting was intended to facilitate a better understanding of the safety issues at Terminal 8. The representative from the Port of Richmond confirmed Terminal 8 is a private terminal and that they will relay the Board's concerns to the appropriate contacts in the hopes of reaching a resolution. Commissioner Nyborg also met with CARB on July 24, 2024, regarding Assembly Bill (AB) 1296. Commissioner Nyborg stated his intent to report further about CARB meeting details during the discussion for

agenda item 14.

President Tynan reported she was also happy to have the opportunity to introduce herself to the Director at the Port of Richmond. She also met with CARB and invited them to attend a future Board meeting.

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

A) Correspondence and activities since the Board meeting held on June 27, 2024.

Executive Director Garfinkle reported on the following:

- On June 27, 2024, Board staff received approval from the Department of Finance to decrease the Board Operations Surcharge from 6.5% of the Pilot Revenue to 5.5%.
- On June 28, 2024:
 - Board staff received word that the Mah and Associates contract was completed, enabling Mah to calculate the pension surcharge for the third quarter of 2024.
 - Board staff received a copy of a letter addressed to President Tynan, from Knute Michael Miller, in which he tendered his resignation from the Pilot Fitness Committee. The Board once again thanked Mr. Miller for his service to the Board and the people of California.
 - Board staff provided the Port Agent with the Surcharge Letter for the third quarter of 2024.
 - Board staff received a copy of PMSA's West Coast Trade Report for June 2024.
- On July 1, 2024, Board staff received a request to complete the 2024 Workforce and Succession Management Plan Survey, which is part of the Department of Finance's State Leadership Accountability Act (SLAA) reporting.
- On July 2, 2024:
 - Board staff received a copy of the Summer 2024 SFBP newsletter.
 - Board staff received paperwork from the Fair Political Practices Commission (FPPC) notifying Board staff that the Board must revise the Board's conflict-of-interest code. This is a rulemaking, involving the Office of Administrative Law.
 - Board Associate Governmental Program Analyst, Greg Shepard and Executive Director Garfinkle visited the San Francisco Maritime National Historic Park Maritime Research Center in an effort to obtain relevant content for the Board's web site and office. While there, the Reference Librarian, Gina Sardi, offered the opportunity for the Board members and Board staff to tour the collection of the National Historic Park, and view parts of the collection not often displayed to the public. If there is any interest in this tour, please contact Executive Director Garfinkle.

- On July 9, 2024, Board staff received a letter, forwarded from Anne McIntyre, from California State University Maritime Academy (CMA) Interim President Michael J. Dumont, outlining the challenges they face and providing an update on the potential integration of CMA with California Polytechnic State University, San Luis Obispo (Cal Poly, SLO).
- On July 10, 2024, Board staff received a copy of the United States Coast Guard (USCG) report on the Significant Port Safety and Security Cases for June 2024. There was one loss of steering when a United States flag Ro-Ro vessel was conducting sea trials as part of a USCG examination. The vessel conducted necessary repairs and a class society representative verified the repairs.
- On July 11, 2024, Board staff was contacted by Heather Wood, Fiscal Consultant for the California Senate Republican Caucus, who requested fiscal information related to the impact of AB 1296, which she reported will be heard in Senate Appropriations on August 5, 2024.
- On July 15, 2024, Board staff submitted a rulemaking package on the pilot boat regulations, which is on track to be published in the California Regulatory Notice Register on Friday, July 26, 2024.
- On July 16, 2024, the Board was invited to be a party to the National Transportation Safety Board (NTSB) investigation into the allision of the RUBY PRINCESS with Pier 27 that happened on July 6, 2023. This involves a technical review of their investigation and an opportunity to offer analysis, conclusions, and a probable cause. It is a privilege to be invited to be a party to an NTSB investigation, and Executive Director Garfinkle accepted on behalf of the Board. Executive Director Garfinkle will be the party representative under this agreement.
- Finally, it is with great sadness that retiree Captain Samuel Wallace Hartshorn Jr. crossed the bar his final time on July 23, 2024. Captain Hartshorn became licensed in February of 1985 and retired in 2008.

B) Report on pilot licensing matters since the Board meeting held on June 27, 2024.

Executive Director Garfinkle reported, since the June 27, 2024, Board meeting, the Board has issued a license renewal to Board licensee Captain Casey Crowl.

C) Report on Board surcharges.

Executive Director Garfinkle reported the SFBP wired \$737,030.24 to the Board for surcharges collected in June 2024, itemized as follows:

- Operations Surcharge \$ 203,322.96
- Pilot Training Surcharge \$ 26,250.00
- Trainee Surcharge \$ 36,765.00
- Pilot Boat Surcharge \$ 470,682.28

D) Report of pension fiduciary.

Executive Director Garfinkle reported as of June 30, 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 27,958,514
- Surcharge Billing Total \$ 1,281,338.70
- Administrative Costs for the Month \$ 2,522.85
- Amount Distributed to Pension Beneficiaries \$ 1,278,815.85
- Total Monthly Target Rates \$ 1,211,139.71
- Amount Over/(Under) Target \$ 70,198.99

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 (IRC) reports.

Regarding the Board's order on the RUBY PRINCESS, a letter of serious concern, signed by Board President Tynan, was issued to Captain Dustin Slack on July 17, 2024.

Captain Slack has yet to address the membership of SFBP on lessons learned on the issue of passing the conn (a term of art meaning the conduct of a vessel) to a mariner who does not hold the appropriate state or federal pilot license.

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; however, the bill continues to include language exempting pilot vessels used for transporting a maritime pilot in furtherance of their official duties and at this time.

Senate Bill (SB) 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. The bill passed out of the Assembly Committee on Transportation on July 2, 2024, and was referred to the Assembly Committee on Appropriations. Board staff

continue to monitor SB 295.

AB 1296 (Dodd/Grayson)

Board staff continue to track AB 1296. This bill prohibits a state regulation from requiring or compelling licensed pilots, collectively known as the San Francisco Bay Pilots (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. This bill passed out of the Senate Committee on Environmental Equality and was referred to be the Committee on Appropriations.

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)

Assistant Director Millspaugh reported that Board staff continue to put on hold the development of a new contract with the CMA for Trainee Selection Exam services as the CMA has not identified staffing for the next simulator exam test component.

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

Assistant Director Millspaugh reported that the agreement draft between the Board and SCO has been finalized and remains under review by the SCO for signature.

State Controller's Office (SCO) - Pilot Boat Program Audit Contract Com Ex

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.

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

Assistant Director Millspaugh reported that, due to timing issues, an amendment to continue the current agreement between the Board and the University of California San Francisco (UCSF) has been replaced with development of a new one-year agreement with a term of July 1, 2024, through June 30, 2025. The terms of the new agreement mirror those drafted for the amendment. The Board and California Highway Patrol (CHP) staff are working to expedite the agreement for signature.

Administrative Services with the California Highway Patrol

Assistant Director Millspaugh reported that the Board and CHP staff have agreed upon a new three-year Inter-Agency Agreement with a term running through June 30, 2027, including the scope of work and three-year budget totaling \$457,000. The agreement is under review at CHP for signature.

General Report Notes

Commissioner Carr inquired about the status of Dr. Kosnik's employment with the UCSF. Executive Director Garfinkle reported that Dr. Kosnik is retired. Dr. Kosnik may return as retired annuitant, but Board staff are working to ensure the new agreement with UCSF includes the naming of medical review officer.

Stephanie Dougherty, Designee for the Secretary of CalSTA inquired if the Board had been involved in past NTSB investigations. Executive Director Garfinkle reported that the Board has been involved in other NTSB investigations in the past. He will focus on confirming facts and reviewing analysis of the findings.

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

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 their initial absence dates:

- Captain Teague since February 14, 2024
- Captain Ruff since May 8, 2024
- Captain Ridens since May 22, 2024; Captain Carlier reported Ridens returned to duty on July 24, 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 June, there were 24 MRP exceptions, with the shortest rest period being 10 hours.

B) Monthly report on SFBP ship piloting business activity.

For June 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 June 2024 were as follows:

- Bar Crossings: 480
- Bay Moves: 120
- River Moves: 54
- Total Moves: 654
- Gross Registered Tons (GRT): 27.9 million

He also reported when comparing 2024 year-to-date vessel move data with the same period in 2023, total moves were up 2.7% and GRT was up 13.1%.

- 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.**

None.

8. Pilot Evaluation Committee (Committee Chair)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on July 17, 2024.

Captain Ruff presented the PEC Chairman's Report on the following:

- The PEC met on July 17, 2024. The members present were Captains Wehr, Slack, Stultz, and Ruff.
- Executive Director Garfinkle joined the committee in open session.
- Major concerns still exist regarding CMA's ability to provide adequate personnel for administering simulator exams. The PEC is considering alternatives to CMA including the Pacific Maritime Institute (PMI), the Maritime Institute of Technology and Graduate Studies (MITAGS), or Orange Coast Community College (OCCC) for simulator test development.
- There are five active trainees including Gallo, Barron, Johnson, Ajax, and Johnston. The trainees' range of time in the program ranges from two and a half months to ten 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 ships under direct supervision of a licensed pilot.
- Trainees Gallo and Barron are still testing for their federal pilotage with the USCG. They are anticipated to complete their testing by the end of July 2024, a

little before their benchmarks.

- In closed session, all trainees were individually interviewed and counseled on their progress in the training program. Time was spent answering their questions and addressing their concerns.
- As of now, all trainees are meeting recommended benchmarks and are progressing at their own rate.
- The next PEC meeting is scheduled for Wednesday, August 14, 2024, at 7:30 a.m. at the Board office.

B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation or dismiss one or more trainees from the program.

Possible Board action to place one or more Pilot Trainee Training Program trainees on 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 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.

President Tynan reported her appreciation for the updates from the Captain Ruff and the PEC regarding how the trainees are doing.

Board Counsel Tuck requested a brief break. President Tynan approved a nine-minute break.

Recess began at 9:55 a.m.

Meeting resumed at 10:04 a.m.

14. SFBP Presentation and Board Discussion on Pending Legislation

A) Assembly Bill (AB) 1296 (Dodd/Grayson) - Regulation of Vessels

Captain McIntyre presented to the Board the SFBP's perspective on AB 1296, a bill introduced to the Legislature that, if passed, would allow the pilots/SFBP to utilize their current fleet of pilot boats through each boat's useful service life. Captain McIntyre continued, stating the bill focuses on the critical components necessary to maintain pilot boats and pilotage service: funding, the certainty of business planning, and time.

- Regarding funding concerns: Captain McIntyre reported to the Board that the SFBP is unable to borrow the approximate \$60 million needed to finance the three pilot station boats that need replacement, emphasizing the SFBP would put business operations at an unacceptable level of risk should it take on that level of debt. SFBP has researched the CARB options, such as grants for funding for modifications to its current fleet to meet CARB compliance, and concluded none of the funding program options available are applicable to the pilot station boats. SFBP further cited that to their knowledge there are no funding programs available that would support the pilot boat replacements or modifications. In SFBP's analysis, the only viable funding option is funding of new pilot boat expenditures through the pilot boat surcharge, providing funding as pilot boats are replaced at the end of each vessel's service life.
- Regarding business planning: SFBP has business decisions that need to be made in the immediate future regarding the planning of new pilot boat builds, decisions which, should the legislation pass, would support their business planning over the next 15 years. Captain McIntyre further reported that pilots are statutorily required to operate the pilot boats and it is critical for the SFBP to have certainty around the availability of pilot boats when performing and planning operations. Captain McIntyre further noted the investment in new pilot boats is necessary, but SFBP needs certainty regarding timelines for replacing the fleet so they can feel confident in the sustainability of their organization when making the necessary investments.
- Regarding timelines: Captain McIntyre reported the SFBP has actively communicated their concerns to CARB and filed for extensions (E3 extension request for all pilot boats was submitted on May 25, 2024, which if granted would extend the service life of a vessel not considered in compliance with CARB's emission standards) but the extension options that CARB can offer are not guaranteed to be approved now or in the future and do not provide the SFBP with the timeline or confidence they need to do long range business planning. Captain McIntyre conveyed to the Board it is administratively burdensome to repeatedly submit the required extension requests, and the SFBP feels there is a lot of risk connected to operating under the extensions, including the risk of extensions being denied, with the potential of incurring fines of \$10,000 per day for being out of compliance.

Captain McIntyre stated that the SFBP is seeking options for compliance with CARB's emission standards, but she stated the emissions regulations do not fit with the regular operation of pilot boats. Captain McIntyre reported that one of the primary intents of the CARB regulations relates to the impact of emissions on disadvantaged communities, who are often located near industrial areas such as ports, but she noted the state pilot

boats sit 12 miles offshore, rather than operating on a regular basis adjacent to the shore or areas serving disadvantaged communities.

President Tynan stated that CARB highlighted funding programs when she met with them and asked whether they were applicable to the SFBP station boat replacements.

Captain McIntyre responded CARB's funding programs (such as the Passenger Ferry Grant Program, Electric or Low-Emitting Ferry Program, Carl Moyer Program, or the funding for repowering, or fitment of Diesel Particulate Filters) and explained these programs are not applicable to the pilot boats. She noted the grant funding for repowering vessels is not applicable, as the pilot boats are not candidates for repowering and the funding cap of the grant program is well under the cost of repowering, even if it were possible. SFBP has confirmed that CARB knows that there is no CARB funding program that SFBP can use for the pilot boats and some of the CARB estimates provided to SFBP contained calculation errors.

Captain McIntyre stated piloting is a regulated profession in which the statutes provide for the existence of the pilot boats in the Board's jurisdiction. She stated that SFBP is doing everything it can to be compliant, and that SFBP is not attempting to avoid being regulated, however SFBP feels AB 1296 allows for a reasonable path by which they can comply.

Commissioner Carr stated that he did not take advantage of a phone call with CARB but expressed that CARB should have been present for the discussion today regarding AB 1296 to relate their concerns to the Board.

SFBP Counsel Baldwin concurred with Captain McIntyre and explained the SFBP has a total of five pilot boats, one boat is new, two boats will need to be replaced in 2024, and one more boat will need to be replaced in 2025 to meet CARB's regulations. Counsel Baldwin reported it is not possible to build three boats before the 2025 deadline, citing the lead time to order one engine is at a minimum a year, and there is no guarantee the two-year CARB extension blocks will continue over the current pilot boat replacement timeline needed to comply with CARB's regulations. Even if CARB promises to always approve the extensions, with each new administration, there is no guarantee they will continue to approve extensions. Counsel Baldwin further reported, that even if the six years of extensions is approved, it will not be enough time to build three boats without borrowing to finance their construction, and in doing so the SFBP would be forced to borrow up to \$60 million in funds, resulting in approximately \$20 million in interest costs, and unacceptable risk it cannot take on due to lack of collateral, or the ability to remedy should there be a default. Counsel Baldwin stated that the viable option is to fund the new vessels through the pilot boat surcharges, but the funds available will only allow for one boat to be built every three years.

Counsel Baldwin continued that AB 1296 would require a surveyor to survey vessels on a set timetable but the SFBP already surveys vessels every two years and this surveyor could identify how much its service life remains for each boat. This provides the certainty needed for planning. Counsel Baldwin reported there is a range of up to 15

years of service life across the current pilot vessel fleet which surcharge rate payers have previously funded under the authority of the Board. He summed up by stating that it is not that the SFBP is averse to regulations; the SFBP's goal is to identify a feasible path to compliance.

PMSA Vice President Cohen concurred with all comments made by SFBP for agenda item 14.

Commissioner Nyborg presented his notes from his meeting with CARB, including the following points:

- Commissioner Nyborg met with CARB on July 24, 2024.
- CARB confirmed they will not support AB 1296 because it conflicts with current regulations. Nyborg disagreed with CARB's statement and identified AB 1296 as an off-ramp towards compliance.
- CARB claimed that AB 1296 will require a new federal Environment Protection Agency (EPA) waiver. Commissioner Nyborg requested CARB provide statutory authority that would require a new federal EPA waiver; Commissioner Nyborg reported CARB stated they would request their legal counsel to provide a statute to support their claim and follow up with Commissioner Nyborg.
- Commissioner Nyborg read segments of the HNC, Division 5, Article 1, 1100, including: "The Legislature finds and declares that it is the policy of the state . . . to provide competent, efficient, and regulated pilotage for vessels required by this division to secure pilotage services," to emphasize that the HNC guides the Board. He continued that in the very first paragraph of the guiding regulations, the Board is directed to provide competent, efficient, and regulated pilotage. It is the Board's duty to seek efficiency in the interests of the People of California.
- Commissioner Nyborg reported to CARB:
 - Only one of the three station boats in question operates at any time. The other two remain secured at the dock and connected to shore power. The single boat in operation is moored 12 miles offshore, sitting at idle 95% of the time. The boat has two propulsion engines, like slightly larger semi-truck engines. These engines also have a similar impact to air quality as two semi-trucks idling, not working, on a barge anchored 12 miles offshore. The pilot boat enables billions of dollars in trade in the California economy while two trucks' impact to trade is miniscule in comparison. To reduce the percentage of diesel particulate in the case of the pilot boat the cost will be nearly \$80 million to rate payers and eventually California consumers, reducing the competitiveness of the ports in San Francisco Bay in the near term. San Francisco Bay shipping tonnage remains deflated compared to pre-COVID 2019 figures by almost 20%. The shippers have found better efficiency by seeking more cost-efficient ports outside of California.

- The pilotage fees in San Francisco Bay are about \$42 million, plus tariff and state administrative surcharges. Borrowing \$80 million to purchase new pilot boats over the short term greatly increases the cost of pilotage service regulated by the Board.
- It is impossible and would be irresponsible for SFBP to take on and support new borrowing at this level.
- The Board, and the SFBP, support California initiatives to improve air quality but also seek a practical, sustainable, and financially responsible path to achieve these goals. AB 1296 is that solution. AB 1296 seeks to allow the Board to fully comply with CARB emissions requirements on a timeline that allows full collection of the cost of upgrades in a fiscally responsible manner, reducing the impact to shippers and the people of California.

Jayne Stevenson, a Climate Policy Associate with Pacific Environment, stated her organization recognizes the challenges of the Board and SFBP, but is concerned that the delay [AB1296 could create] would reduce the crucial carbon reduction benefits of the regulations. They further stated, Pacific Environment opposes AB 1296 and recommended the SFBP comply with CARB and recommended the Board only support SB 295.

Regina Hsu, Senior Attorney, Earth Justice, stated her organization's opposition to AB 1296, stating their position is the bill would undermine CARB efforts, including the benefits from the regulations that are intended to reduce cancer risks. They further stated the following: The Bay Area has one of the largest numbers of ship movements; and harbor craft operate close to shore, so they are still impacting cancer risks. Cancer risks are 10-12% higher in the Bay than in other locations. She reported that Earth Justice encourages the Board to continue discussions with CARB and consider the health risks to the four million people who will have an increased risk of cancer due to the air quality impacts. Earth Justice strongly advocated for opposition to AB 1296.

B) Senate Bill (SB) 295 (Dodd/Grayson) - Pilot Boat Surcharges

Captain McIntyre reported SB 295 is a bill to provide an easier path to fund new pilot boats. Captain McIntyre stated SB 295 contains language to allow the Board to authorize pilot boat surcharge without regard to the fiscal year. She further stated the Department of Finance is interpreting the current statute to only allow expenditure of pilot boat funds capped at various levels within the fiscal year it was collected.

Counsel Baldwin clarified that SB 295 is not an alternative to AB 1296, it doesn't create money to build pilot boats, it just unlocks current funds, and the bill does not alleviate the issues addressed by AB 1296.

Possible Board action on Pending Legislation

A) AB 1296 (Dodd/Grayson) - Regulation of Vessels

President Tynan, Vice President Hayes-White, Commissioner Carr, and Executive Director Garfinkle acknowledged and voiced appreciation for the input from Ms. Stevenson and Ms. Hsu. Executive Director Garfinkle reiterated that the pilot boats are mostly idling and not much of impact to the community when idling outside the Bay, and it is important to acknowledge costs that make California ports less competitive.

Commissioner Carr also acknowledged CARB's efforts but stated that, on behalf of stakeholders and Board, he wanted to make a motion to the Board to produce a letter in support of AB 1296, as it is important to support a path for a useful life of the current pilot boats.

MOTION: Commissioner Carr moved to approve the issuance of a letter from the Board in support of AB 1296. Commissioner Nyborg seconded the motion.

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

ACTION: The motion was approved.

B) SB 295 (Dodd/Grayson) - Pilot Boat Surcharges

The Board members discussed the intent of this bill and motioned to vote.

MOTION: Commissioner Carr moved to approve the issuance of a letter from the Board in support of SB 295. Commissioner Hayes-White seconded the motion.

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

ACTION: The motion was approved.

Recess began at 11:00 a.m.
Meeting resumed at 11:09 a.m.

9. Reported Safety Standard Violations (Executive Director Garfinkle)

(Reported safety standard violations occurring up to the start of the meeting will be reported on.)

None.

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 the August 2024 Board meeting for agenda items 10A and 10B, adding the report presentation delay would pose no public safety risks.

A) Incident Review Committee 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.

Board deliberation of the Incident Review Committee's recommendations to the Board and determination regarding the event of June 30, 2023, involving the M/V EVER LOGIC that was passing the M/V EVER FASHION, which suffered gangway damage as the result of hydraulic interaction. 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 EVER LOGIC 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) section 1180.6 and Government Code section 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.

MOTION: Commissioner Nyborg moved to grant the IRC an extension to present its report on the M/V EVER LOGIC at the next Board meeting, on Thursday, August 22, 2024. Commissioner Korwatch seconded the motion.

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

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 in Sacramento, CA.

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 IRC an extension to present its report on the M/V BOHOL ISLAND at the next Board meeting, on Thursday, August 22, 2024. Commissioner Carr seconded the motion.

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

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

**11. Report and discussion of Pilot Trainee Training Program Selection Exam.
(Executive Director Garfinkle)**

Executive Director Garfinkle reported an Ad Hoc Pilot Trainee Training Program Selection Exam meeting was scheduled for August 1, 2024, at 9:30 a.m., by phone or in-person at 660 Davis Street, San Francisco; and encouraged all stakeholders to attend. He also stated he would let the California Maritime Academy (CMA) know about meeting and invite them to provide information on behalf of CMA, and their ability to support the next exam. He stated Board staff are also examining several other entities as alternatives.

12. 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 Anne McIntyre, SFBP)

Jennifer Cohen, PMSA, stated that there was nothing to report.

13. Board discussion and possible action regarding the proposed merger of the California State University Maritime Academy (CMA) and the California Polytechnic State University, San Luis Obispo (Cal Poly, SLO).

Possible action regarding the proposed merger of the California State University Maritime Academy (CMA) and the California Polytechnic State University, San Luis Obispo (Cal Poly, SLO)

Executive Director Garfinkle referenced the letter from President Dumont, included as an attachment to agenda item 13, and another handout on the merger. He explained these attachments were included to assist with the voting decision regarding whether the Board should issue a letter of support.

Commissioner Carr and Commissioner Nyborg voiced their support for CMA as an important institution to the maritime industry.

Assistant Director Millspaugh clarified that, if the Board voted to approve issuance of a letter of support, the letter would be issued to the California State University (CSU) Trustees. He also reported that the Trustees' merger vote is scheduled to take place in November 2024.

MOTION: Commissioner Nyborg moved to approve the issuance of a letter from the Board to support the merger of CMA and Cal Poly; to be submitted to the CSU trustees. Commissioner Korwatch seconded the motion.

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

ACTION: The motion was approved.

Agenda item 14 was discussed before agenda item 9.

15. Board discussion concerning the safety issues at the Port of Richmond, and the progress SFBP and/or Board staff has made in resolving safety concerns. (Port Agent and Board staff)

A) Possible progress report by SFBP on resolving safety concerns for the Port of Richmond. (SFBP)

Executive Director Garfinkle reported that he made several attempts to contact the operators of Terminal 8 in the Port of Richmond but couldn't connect with them.

Commissioner Nyborg reported that he and President Tynan each had meetings with the Port of Richmond, and they are waiting for them to circle back on some outstanding questions. President Tynan added that she requested they attend a Board meeting.

Commissioner Carr and Commissioner Nyborg both agreed that although they appreciated Commissioner Rodriguez's request to put this issue on the Board's agenda, this does not need to continue to be an agenda item and may be removed going forward.

B) Board discussion concerning the boarding safety issues at the Port of Richmond.

Possible Board action related to resolving existing safety issues at Port of Richmond. Actions may include adding tasks for or recommendations to the Pilot Safety Committee, approving additional investigations, and/or other actions as deemed appropriate by the Board.

None.

Agenda items 16 and 17 discussed after agenda item 19.

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

None.

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

None.

Closed session began at 11:23 a.m.

Closed session ended at 12:10 p.m.

Open session resumed at 12:11 p.m.

16. Closed session for the Board to confer with legal counsel regarding potential significant exposure to litigation against the Board involving an inactive licensee. (Board Counsel)

The Board is authorized to discuss this matter in a closed session pursuant to the

Open Meeting Act, Government Code section 11126, subdivisions (e)(1) and (e)(2)(B).

Nothing to report out of closed session.

17. 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.

Nothing to report out of closed session.

Agenda items 18 and 19 discussed before agenda item 16.

20. Adjournment.

President Tynan adjourned the meeting at 12:13 p.m.

Submitted by:



Allen Garfinkle
Executive Director

ACRONYM INDEX

Acronyms / Abbreviations	Definition
AB	Assembly Bill
AFMR	Absent For Medical Reasons
BOPC/Board	Board of Pilot Commissioners
CA	California
Cal Poly	California Polytechnic State University
CalSTA	California State Transportation Agency
CARB	California Air Resources Board
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
GRT	Gross Registered Tons
HNC	Harbors and Navigation Code
IRC	Incident Review Committee
MITAGS	Maritime Institute of Technology and Graduate Studies
MRP	Minimum Rest Period
M/V	Motor Vessel
OCCC	Oklahoma City Community College
PBF	Petroplus, Blackstone, and First Reserve
PEC	Pilot Evaluation Committee
PMI	Pacific Maritime Institute
PMSA	Pacific Merchant Shipping Association
SCO	State Controller's Office
SLO	San Luis Obispo
SFBP	San Francisco Bar Pilots
TBD	To Be Determined
UCSF	University of California San Francisco
USCG	United States Coast Guard