

# Board of Pilot Commissioners

for the Bays of San Francisco, San Pablo, and Suisun

660 Davis Street, San Francisco, CA 94111

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## NOTICE OF MEETING

March 14, 2025

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will conduct a public meeting on **Thursday, March 27, 2025, at 9:30 a.m.** Items of business scheduled for the meeting are listed on the attached agenda.\* There may be recesses at the discretion of the Chairperson.

**Members of the public may participate in this meeting in person or via telephone.**

### Location:

Board of Pilot Commissioners  
660 Davis Street  
San Francisco, California 94111

### To participate via telephone please use:

888-808-6929

### Access Code:

4310981#

There will be an opportunity for public comments on all agenda and non-agenda items at the outset of the open session. There will also be an opportunity for public comment during the presentation of each

agenda item, and on non-agenda items at the end of the meeting. Meeting documents will be available on the Board's website listed below.

This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting should call the Board office at 415-397-2253 or write to the Board at the above address or email address. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

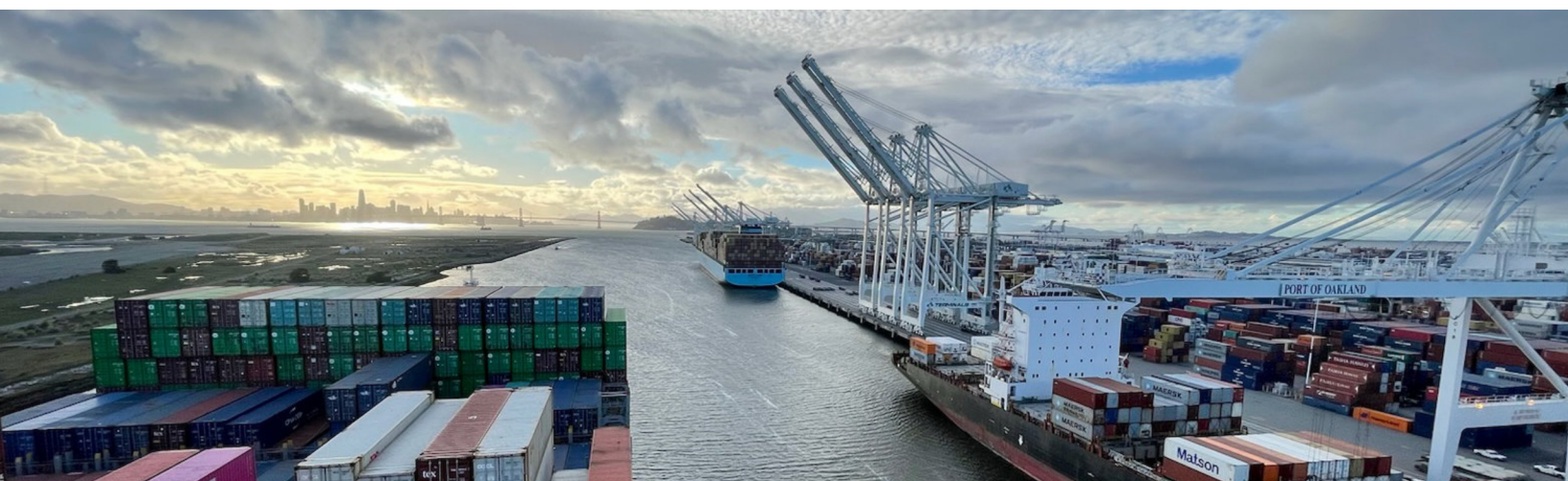
### BOARD OF PILOT COMMISSIONERS

Allen Garfinkle, Executive Director

This notice and agenda may also be found on the Board's website <https://bopc.ca.gov/>.



\*Order of business is approximate and subject to change.



**SUSTAINING CALIFORNIA'S ECONOMY:** Board-licensed pilots guide ships carrying billions of dollars of cargo through some of the most challenging waterways in North America.

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

**Board Meeting  
Thursday, March 27, 2025, at 9.30 a.m.**

**MEETING AGENDA**

**OPEN MEETING**

1. Call to Order and Roll Call (President Tynan)
2. Board Officer Elections. (Executive Director Garfinkle and Board Counsel)
  - A) Explanation of rules and customs applicable to Board officer elections.
  - B) Board members to elect a President of the Board.  
**Board action to elect a President of the Board.**
  - C) Board members to elect a Vice President of the Board, if determined necessary.  
**Board action to elect a Vice President of the Board.**
3. Public comment on matters on the agenda or not on the agenda.
4. [Review and approval of Board meeting minutes from the meeting held on February 27, 2025.](#) (President Tynan)
5. President Announcements and Activities. (President Tynan)
6. Board Member Announcements and Activities. (Board Members)
7. [Directors' Report.](#) (Executive Director Garfinkle/Assistant Director Millspaugh)
  - A) [Correspondence and activities since the Board meeting held on February 27, 2025.](#)
  - B) Report on pilot licensing matters since the Board meeting held on February 27, 2025.
  - C) [Report on Board surcharges.](#)
  - D) Report of pension fiduciary.
  - E) [Report on legislative activities and contractual matters.](#)
8. [Port Agent's Report.](#) (Port Agent Carlier)
  - A) [Monthly report on San Francisco Bar Pilots' \(SFBP\) pilot availability and absences.](#)
  - B) [Monthly report on SFBP ship piloting business activity.](#)
  - 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) section 1157.1.**

## JUMP TO AGENDA

D) [Monthly SFBP Fatigue Mitigation Report.](#)

9. [Pilot Evaluation Committee.](#) (Committee Chair Captain Ruff)

A) [Report on the Pilot Evaluation Committee \(PEC\) meeting held on March 19, 2025.](#)

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.**

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.**

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, and issue said state license.**

10. Board discussion regarding the reappointment of Captain Paul Ruff to a second four-year term as a member of the Pilot Evaluation Committee.

**Possible Board action to reappoint Captain Paul Ruff to a second four-year term as a member of the Pilot Evaluation Committee, effective April 22, 2025.**

11. Discussion regarding possible increase of pilot trainee stipends, and referral to Finance Committee.

**Possible Board action to increase the stipend, currently set at \$8,000 a month/per trainee.**

12. Reported Safety Standard Violations. (Executive Director Garfinkle) (Reported safety standard violations occurring up to the start of the meeting will be included.)

13. [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.)

A) [Progress report on IRC report regarding the September 25, 2024, event involving the bulk carrier Motor Vessel \(M/V\) KONA TRADER which made unintended contact with the pier in the Port of Stockton.](#)

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

B) [Progress report on IRC report regarding the October 14, 2024, event involving the Motor Tanker \(M/T\) PLATANOS which made unintended contact with the pier at Shell Martinez.](#)

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

## **JUMP TO AGENDA**

14. Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam. (Committee Chair Captain Carr)

Report on the March 24, 2025, Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam meeting.

15. Discussion regarding the status of the Pilot Boat Regulations package. (Executive Director Garfinkle)

16. [Review and discussion of revisions to the Board's Conflict of Interest Code](#). (Assistant Director Millspaugh)

**Possible Board action to approve the Board's proposed Conflict of Interest Code changes.**

17. Status report on the Board's Information Technology Modernization Project (ITMP). (Assistant Director Millspaugh)
18. Stakeholders' report on subjects that may be of interest to the Board, including reports on shipping activity regionally and within the Board's jurisdiction, and the status of the next pilot boat build. (Mike Jacob, Pacific Merchant Shipping Association (PMSA)/Captain Anne McIntyre, SFBP)
19. Discussion regarding the contract for Surcharge Collection, Pilot Education and Pilot Trainee Training between the SFBP and the Board, and issues related to reimbursement of the SFBP by the Board. (Captain McIntyre)
20. 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).**

21. Proposals for the next Board meeting agenda. (President Tynan)
- A) Discussion regarding the need to reschedule the May 22, 2025, Board meeting to a new date due to multiple scheduling conflicts.

**Possible Board action to adjust the Board meeting schedule.**

- B) Discussion regarding agenda items to include in the next Board meeting.
22. Comment by public and Board members on matters not on the agenda.
23. Adjournment



To access this document and the Board of Pilot Commissioners' website on your mobile device, please scan the QR code with your phone's camera. This QR code gives you access the documents on the go, directly from your device.



# Meeting Documents



**Agenda Item 4: Review and approval of Board meeting minutes from the meeting held on February 27, 2025**

State of California

## **Board of Pilot Commissioners**

for the Bays of San Francisco, San Pablo, and Suisun

### **Draft Minutes of the Meeting of the Board of Pilot Commissioners held on February 27, 2025, at 9:30 a.m.**

Members of the public are encouraged to participate in meetings of the Board, either in person or via telephone.

**Location:**

Board of Pilot Commissioners  
660 Davis Street  
San Francisco, California 94111

**To participate via telephone please use:**

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**Access Code:**  
4310981#



**SERVING THE PEOPLE OF CALIFORNIA SINCE 1850**



**Board of Pilot Commissioners (BOPC)  
for the Bays of San Francisco, San Pablo, and Suisun  
Board Meeting  
Thursday, February 27, 2025, at 9:30 a.m.**

**Board Meeting Minutes**

**ATTENDANCE**

**Board Members Present (in person and by phone)**

Karen Tynan, President, Public Member  
Joanne Hayes-White, Vice President, Public Member  
Captain William Benedict, Pilot Member  
Captain Robert Carr, Pilot Member  
Captain Lynn Korwatch, Dry Cargo Industry Member  
Sam Rodriguez, Public Member  
Christine Casey, 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  
Nina Lincoff, Board Counsel  
Roma Cristia-Plant, Consultant to the Board (by phone)

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

Kevin Baldwin, San Francisco Bar Pilots (SFBP) General Counsel  
Captain Anne McIntyre, SFBP Business Director  
Captain Paul Ruff, SFBP Pilot  
Captain David McCloy, SFBP Pilot  
Captain Steven Teague, SFBP Pilot  
Heather Teague  
Mike Jacob, Pacific Merchant Shipping Association (PMSA)  
Rex Clack, Esq., RMC Law  
Roy Mathur, Petroplus, Blackstone, and First Reserve (PBF) Energy

**OPEN MEETING**

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

President Tynan called the meeting to order at 9:30 a.m. Board Administrative Coordinator Marjorie (Mari) McNeill called the roll and confirmed a quorum.

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

Ms. Cristia-Plant, consultant to the Board, noted that she was participating remotely by phone.  
Board of Pilot Commissioners | Board Meeting Minutes (Draft) | February 27, 2025



### **3. Review and approval of Board meeting minutes from the meeting held on January 23, 2025 (President Tynan)**

**Board action to approve the minutes from the Board meeting held on January 23, 2025.**

**MOTION:** Commissioner Carr moved to approve the draft January 23, 2025, Board meeting minutes. Commissioner Hayes-White seconded the motion.

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

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

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

President Tynan announced that she has been reappointed to the Board by Governor Newsom, and she has taken her oath.

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

The Board welcomed Commissioner Benedict.

Commissioner Korwatch noted that she attended the California State University Maritime Academy (CMA) Scholarship and Awards Gala on February 22, 2025.

Commissioner Korwatch noted she had been reappointed to a second term on the Board.

Commissioner Carr noted that he visited the Orange Coast College (OCC) simulator as a follow-up to the conversation at the February 20, 2025, Ad Hoc Committee to Review Pilot Trainee Training Program Selection Exam meeting and recommended considering use of their facilities for the exam while detailing why he felt they were a strong choice.

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

#### **A) Correspondence and activities since the Board meeting held on January 23, 2025.**

Executive Director Garfinkle congratulated President Tynan and Commissioner Korwatch for their Board reappointments, welcomed newly appointed Commissioner Benedict and Board Co-Counsel Nina Lincoff, congratulated Commissioner Rodriguez on the Senate's unanimous confirmation of his appointment to the Board, and reported on the following:

- On January 23, 2025:
  - Board staff received a copy of a Letter of Recommendation for Captain Roy Mathur addressed to the Governor's Chief Deputy Secretary for Appointments. The letter highlighted Captain Mathur's maritime experience, as a terminal manager and as a state regulator for the Office of Spill Prevention and Response as well as for the California State Lands Commission. Captain Mathur was recommended to fill the wet cargo seat on the Board.
  - Board staff received a letter from the Secretary of the California State Transportation Agency (CalSTA) which designated Christine Casey as the Secretary's ex officio representative for the Board.



- On January 28 and 29, Assistant Director Millspough and Executive Director Garfinkle attended a CalSTA Leadership Conference at the California Highway Patrol (CHP) Headquarters in Sacramento.
- On January 27, 2025, Board staff obtained the Department of Finance's approval for the Pilot Boat Regulations' Economic and Fiscal Impact Statement (Form STD-399). This approval is a prerequisite for implementing the regulations.
- On January 30, 2025, Board staff received a copy of the PMSA's West Coast Trade Report for January 2025.
- On February 5, 2025, Executive Director Garfinkle attended a meeting with CalSTA Secretary Toks Omishakin.
- On February 10, 2025, Board Records Management and Program Support Coordinator Greg Shepherd and Executive Director Garfinkle attended a meeting at the law offices of Chris Tribolet, of Peacock Piper Tong and Voss LLP, attorneys for the KONA TRADER, to view evidence relevant to the Motor Vessel (M/V) KONA TRADER allision.
- On February 11, 2025, Executive Director Garfinkle attended the Finance Committee meeting.
- On February 13, 2025:
  - The Governor's Office announced that President Tynan and Commissioner Korwatch were reappointed to the Board, and Commissioner Benedict was newly appointed.
  - The Harbor Safety Committee met, wherein the United States Coast Guard (USCG) noted one loss of propulsion involving pilots on the 22nd of December 2024, and one on the 25th of January 2025.
- On February 14, 2025, Board staff received correspondence related to the M/V KONA TRADER allision from the counsel for the pilot.
- On February 19, 2025, Executive Director Garfinkle attended the open session of the Pilot Evaluation Committee.
- On February 24, 2025, Executive Director Garfinkle received a copy of a Motion to Intervene in the Matter of the Accusation Against: Ronald E. Greger from the SFBP.

### **B) Report on pilot licensing matters since the Board meeting held on January 23, 2025.**

Since the January 2025 Board meeting, the Board has issued license renewals to the following Board licensees: Captains Hirschfeld, Lingo, Rubino, and Stultz.

### **C) Report on Board surcharges.**

Executive Director Garfinkle reported that the SFBP wired \$825,892.30 to the Board for surcharges collected in January 2025, itemized as follows:

• Operations Surcharge:	\$205,256.11
• Pilot Training Surcharge:	\$21,595.00
• Trainee Training Surcharge:	\$38,690.00
• Pilot Boat Surcharge:	\$560,351.19

### **D) Report of pension fiduciary.**

Executive Director Garfinkle reported that as of January 31, 2025, there were 84 pensioners.

- Surcharge Rate for the Quarter: \$0.04405 per gross registered ton

• Rolling Look Back Period:	October 2023 to September 2024
• Monthly Tonnage for January:	26,549,595.00
• Surcharge Billing Total:	\$1,169,509.74
• Administrative Costs for the Month:	\$3,603.00
• Amount Distributed to Pension Beneficiaries:	\$1,165,906.74
• Total Monthly Target Rates:	\$1,215,825.70
• Amount Over Target:	\$(46,315.96)

The last Cost of Living Adjustment (COLA) increase to the pension was April 1, 2023. Note: COLA rates are reviewed every 3 years and when the region has an overall cost of living increase of 12% or more.

### **E) Report on legislative activities and contractual matters.**

Assistant Director Millspaugh reported:

#### Legislative Activities

For legislative matters, Assistant Director Millspaugh reported that Board staff are not currently tracking any legislation but will monitor the legislative session for bills that may affect the Board.

#### Contractual Matters

Assistant Director Millspaugh reported the following regarding contractual matters:

#### **Trainee Selection Exam Contracts**

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

Board staff continue to pursue an agreement for use of a simulator and facilities for the simulator portion of the 2026 pilot trainee exam, including:

- The option of developing an interagency agreement with the California State University Maritime Academy (CMA) for the use of their simulator and facilities.
  - Board staff have scheduled a tour of the CMA simulator facilities for March 3, 2025.
  - Board staff have scheduled a March 10, 2025, meeting with CMA, Vice Provost Graham Benton, regarding CMA's merger with California Polytechnic University (Cal Poly), San Luis Obispo and discuss the ongoing viability of CMA providing simulator and pilot education services.
- As noted in last month's Assistant Director's report, the simulator at OCC may be an acceptable alternative testing site. Board staff will pursue an agreement with the entity that best meets the needs of the simulator portion of the trainee exam.

- **Trainee Selection Exam Services (Contract # TBD)**

Board staff continue to develop the Statement of Work (SOW) and related documents to solicit services for the 2026 Pilot Trainee Training Program Exam. This contract will cover services for the virtual, written, simulator, and oral portions of the exam. Board staff have provided a confidential copy of the draft SOW to the Exam Committee for review and comment and have also requested a review of the SOW by California Department of Human Resources (CalHR). Board staff expect to provide a final Request for Proposal to CHP for review in early March 2025, with the intended start date of an

agreement in July 2025. Assistant Director Millspaugh requested and was granted an expedited review from CHP.

- **California Department of Human Resources (CalHR) – Trainee Selection Exam Services (Contract # TBD)**

Board staff continue to work toward developing a scope of work and budget for the Pilot Trainee Training Program Exam related to services from CalHR. Board staff have requested a meeting with CalHR to review the SOW and expect the scope of services and budget will be agreed upon by April 2025.

- **State Controller's Office (SCO) – Pilot Boat Program Audit**

Board staff provided a draft SOW to SCO for a new Inter-Agency agreement between the Board and SCO in support of the Pilot Boat Program Performance Audit. Board staff met with SCO on February 24, 2025, and received feedback on the draft SOW. Board staff expect to finalize the SOW and submit the agreement for review and approval by the end of March 2025.

- **Pilot and Pilot Trainee Fitness Assessment with University of California San Francisco (UCSF) (Contract # TBD)**

Development of a new three-year agreement, with a term date of July 1, 2025–June 30, 2028, has begun. Board staff have provided a proposed budget to UCSF which is under review by UCSF. Board staff expect to submit the agreement for review by CHP in March 2025. Assistant Director Millspaugh provided the budget for review and reached out several times regarding their review but is still awaiting a response.

### **Maritime Investigator Services Contracts**

- **Marine Investigator Services – Invitations for Bids (IFB) (Contracts # 24M900003)**

Board staff have finalized a new IFB package for marine investigator services. The completed IFB package is with the procurement management team for approval and is expected to be posted to the California Electronic Procurement website (Cal eProcure) by the week of March 3, 2025.

Executive Director Garfinkle stated that the Board is looking for investigators and that attendees should encourage potential investigators to apply to the Board. Captain Anne McIntyre, SFBP Business Director suggest the BOPC post the announcement link to their website.

Commissioner Carr referenced the rate process and potential amendments to the Harbors and Navigation Code (HNC) 1200.

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

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

Commissioner Carr reported the below details on behalf of Port Agent Carlier, as of February 27, 2025 (for additional details, please see the report included for agenda item 7):

- There are currently 52 licensees on the SFBP roster.
- There were three Minimum Rest Period (MRP) exceptions in January 2025, with the shortest rest period being 10.5 hours.

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

Commissioner Carr reported the below details on behalf of Port Agent Carlier, as of February 27, 2025 (for additional details, please see the report included for Agenda item 7):

- The status for each of the SFBP-owned pilot boats were reported as normal for P/V CALIFORNIA, P/V GOLDEN GATE, P/V PITTSBURG, P/V SAN FRANCISCO, except for:
  - Pilot Vessel (P/V) DRAKE has been in the shipyard since October 7, 2024.
- Vessel moves were as follows:
  - Bar Crossings: 418
  - Bay Moves: 143
  - River Moves: 38
  - Total Moves: 599
  - Gross Registered Tonnage (GRT): 26.5 million
- Year-over-year, when comparing the same period in 2024 to the same period in 2025, total moves were down 4.2% and GRT was down 0.2%.

**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) section 1157.1.**

None.

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

**A) Report on the Pilot Evaluation Committee (PEC) meeting held on February 19, 2025.**

PEC Chair Ruff presented the PEC Chair's Report on the following:

- The PEC met on February 19, 2025. The members present were Captains Slack, Bridgman, Stultz and Ruff.
- Executive Director Garfinkle joined the PEC in an open session in which the following was discussed:
  - The next pilot trainee training exam and third-party proctoring, possible alternative hosting locations at Pacific Maritime Institute (PMI) or OCC, and the Board committee work being done on the exam.
  - The PEC unanimously agreed to recommend the Board raise the trainee stipend to \$10,000 (to meet Bay Area cost of living expenses and improve competitiveness with other pilot jurisdictions). This stipend is currently \$8,000 per trainee.
  - USCG Regional Exam Center (REC) has changed requirements for attaining first class pilotage and these changes make obtaining federal endorsements to pilot licenses more challenging to obtain within the prescribed timeline of the PEC's training program.
  - Chair Ruff reached out again to Oakland REC for a meeting to see if an arrangement can be made to help prevent needlessly extending the timeline to obtain endorsements. The response was that they are busy and short-staffed. Todd Johnston is the first trainee directly impacted by these changes and is in frequent direct contact with the proctor and was told there may be some local leeway on the issues.
- The six active trainees include Barron, Gallo, Johnson, Johnston, Thinger, and Ahrens. The trainees' time in the program ranges from two to 18 months.
- All trainees are completing trips to obtain their first-class pilotage endorsement for unlimited tonnage upon San Francisco Bay. They have been observing, part handling, and handling ships under direct



supervision of a licensed pilot.

- Trainees Gallo and Barron have completed testing for their federal pilotage with the USCG and have a few trips to and from Sacramento to raise their pilotage endorsements to unlimited first-class pilot. Between February 19-27, 2025, Trainees Gallo and Barron completed the trips needed to raise their pilotage endorsements to unlimited first-class pilot.
- In closed session, all trainees were individually interviewed and counseled on their progress in the training program. Time was spent answering their questions and concerns they had.
- All trainees presently meet recommended benchmarks and are progressing at their own rate.
- The PEC unanimously agreed to put Captain Barron in evaluation status. This status is the final stage of training in which the trainee is required to achieve a 4.0 or higher-grade point average for three consecutive months without “coaching” or “stepping in to correct an errant maneuver.” If Captain Barron falls below a 4.0 GPA in that period, the three-month window will restart.
- The next PEC meeting was scheduled for Wednesday, March 19, 2025, at 7:30 a.m. at the Board office.

Chair Ruff stated that no actions are recommended for agenda items 8c-e but that he anticipated the PEC would likely recommend issuance of at least one pilot license for the trainees after they complete 10 more trips each.

Board members and attendees discussed the changes to the requirements for the USCG REC for attaining first class pilotage and how those changes impact the trainee program, and the timeframe needed to complete it. Discussion involved changes to the USCG REC which have increased the difficulty of obtaining federal endorsements for pilot licenses within the prescribed timeline for the PEC’s training program. Executive Director Garfinkle volunteered to investigate what could be done to increase communication with the USCG and possibly reduce the impact to trainee timelines created from the USCG REC changes.

**B) Discussion and possible PEC recommendation to increase pilot trainee stipends. The stipend is currently set at \$8,000/per month/per/trainee.**

**Possible Board action to increase the stipend, currently set at \$8,000 a month/per trainee.**

The Board discussed the PEC’s recommendation to raise the stipend from \$8,000 to \$10,000 but agreed to postpone the vote until the next Board meeting to provide time for the Finance Committee to meet and formally review the corresponding documents and PEC recommendation prior to the Board’s potential vote.

**MOTION:** Commissioner Rodriguez moved to delay the vote to increase pilot trainee stipends to the March 27, 2025, Board meeting. Commissioner Carr seconded the motion.

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

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

**C) 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.**

No action recommended.

- D) 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.**

No action recommended.

- E) 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.**

No action recommended.

- 9. Reported Safety Standard Violations (Executive Director Garfinkle) (Reported safety standard violations occurring up to the start of the meeting will be included.)**

Executive Director Garfinkle stated there were no safety standard violations reported since the last Board meeting.

- 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.)**

- A) Progress report on IRC report regarding the September 25, 2024, event involving the bulk carrier Motor Vessel (M/V) KONA TRADER which made unintended contact with the pier in the Port of Stockton.**

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

Executive Director Garfinkle stated the progress on evidence collection for the incident involving the Motor Vessel (M/V) KONA TRADER has been steadily moving forward, with additional evidence received over the past week. To provide time to review the additional evidence received and ensure the IRC report is as thorough as possible, the IRC requested an extension for presenting the report to the next Board meeting, on March 27, 2025.

**MOTION:** Commissioner Korwatch moved to grant the Incident Review Committee an extension to present its report on the Motor Vessel (M/V) KONA TRADER at the next Board meeting, on Thursday, March 27, 2025. Commissioner Rodriguez seconded the motion.

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

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

**B) Progress report on IRC report regarding the October 14, 2024, event involving the Motor Tanker (M/T) PLATANOS which made unintended contact with the pier at Shell Martinez.**

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

Executive Director Garfinkle stated the progress on evidence collection for the incident involving the M/T PLATANOS has been steadily moving forward; with more evidence recently received. To ensure the final IRC report is as thorough as possible, the IRC requested an extension for presenting the report to the next Board meeting, on March 27, 2025.

**MOTION:** Commissioner Rodriguez moved to grant the Incident Review Committee an extension to present its report on the M/T PLATANOS at the next Board meeting, on Thursday, March 27, 2025. Commissioner Korwatch seconded the motion.

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

**ACTION:** The motion was approved.

Recess began at 10:45 a.m.

Meeting resumed 11:00 a.m.

**11. Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam (Committee Chair Captain Carr)**

**Report on the February 20, 2025, Ad Hoc Committee to Review the Pilot Trainee Training Program Selection Exam meeting.**

Commissioner Carr stated the committee cancelled the February 20, 2025, committee meeting. Commissioner Carr also reported that he visited OCC and toured their simulation facilities and had positive feedback regarding his visit. Commissioner Carr further reported that, in the next committee meeting, the committee could discuss the draft Requests for Proposals (RFP) from Assistant Director Millsbaugh [for exam services] including the simulator and third-party psychometrician.

**12. Finance Committee (Commissioner Rodriguez)**

**A) Report on the Finance Committee meeting held on February 11, 2025.**

Commissioner Rodriguez stated his support for the decisions made in the Finance Committee meeting held on February 11, 2025, detailed under agenda items 12(B), and stated that he attended a meeting at the Port of Long Beach on February 21, 2025. During the meeting on February 21, 2025, stakeholders and the Port of Long Beach discussed supply chain issues, impacts to the industry, and related details from various West Coast ports, noting many of pilot organizations reported to him they had undertaken IT Modernization projects.

**B) Finance Committee recommendations to the Board on the following Board surcharges:**

- i. To adjust or not adjust the Board Operations Surcharge rate (currently at 5.75% of all pilotage fees), and the revenues, expenditures, and reserve balance.**

**Possible Board action to adjust the Board Operations Surcharge rate.**

Commissioner Rodriguez reported the Finance Committee was unanimous in its support for an increase in the Board Operations Surcharge from the current 5.75% to 6.5%, starting on April 1, 2025. Further reporting, Committee members felt it was reasonable to raise the rate to 6.5% to begin collecting funds needed to support the Board's Information Technology Modernization Project (ITMP).

Assistant Director Millspaugh stated that he informed the Finance Committee that, with the surcharge rate increase from 5.75% to 6.5%, the Board would need to utilize approximately half of the Board Operations year-end Fund balance to cover the costs of the Information Technology Modernization Project (ITMP). He noted it could take two years or more (depending on shipping activity) to restore the Board Operation Fund balance to its target of maintaining one year of operating costs for emergencies.

Assistant Director Millspaugh stated that a finance letter would be submitted to the Department of Finance (DOF) regarding the change in the Board Operations Surcharge rate.

**MOTION:** Commissioner Carr moved to increase the Board Operations Surcharge rate of all Pilot fees from 5.75% to 6.5%, effective April 1, 2025. Commissioner Hayes-White seconded the motion.

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

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.

**ii. To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently at \$45 per move).**

**Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**

No action recommended.

**iii. To adjust or not adjust the Trainee Training Surcharge rate (currently \$20/trainee/move).**

**Possible Board action to adjust the Pilot Trainee Training Surcharge rate.**

No action recommended.

**iv. To adjust or not adjust the Pilot Boat Surcharge rate (currently at \$0.021 per gross registered ton).**

**Possible Board action to adjust the Pilot Boat Surcharge rate.**

Commissioner Rodriguez reported Committee members unanimously agreed to lower the Pilot Boat Surcharge to \$0.020 from 0.021 per gross registered ton.

**MOTION:** Commissioner Korwatch moved to decrease the Pilot Boat Surcharge rate from \$0.021 to \$0.020 per gross registered ton, effective April 1, 2025. Commissioner Hayes-White seconded the motion.

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

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved.



### **13. Discussion regarding the status of the Pilot Boat Regulations package. (Executive Director Garfinkle)**

Executive Director Garfinkle stated that the regulation package was submitted to the Office of Administrative Law (OAL) in January 2025 and the feedback received indicated it is still on track to become effective in the next quarter [April 1, 2025].

### **14. Discussion regarding the Pilot Boat Program and the status of the next pilot boat build. (Captain Anne McIntyre)**

Captain McIntyre stated that uncertainties remain due to various proposed changes, such as tariffs. The SFBP will continue to evaluate engine issues, prepare the final determination on their external audit, and complete pre-engineering, but the decisions related to engines may be impacted by tariffs. Commissioner Rodriguez stated the 10% tariff on China was confirmed and other ports have already been preparing to accommodate costs.

### **15. Status report on the Board's Information Technology Modernization Project (ITMP) (Assistant Director Millspaugh/Gartner Inc.)**

Assistant Director Millspaugh summarized his continued efforts with Gartner on the ITMP. All documents (over 400 pages) for Project Approval Lifecycle (PAL) Stage 2 were submitted for review by Caltrans senior management, and, once the initial review is completed, will be sent to the California Department of Technology (CDT). Work on PAL stage 3, which focuses on building a SOW, has begun. There were some delays, but the projected completion deadline is expected to remain on track.

### **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 Anne McIntyre, SFBP)**

Mr. Jacob stated the industry has been moving in anticipation of the tariffs. Some updates included:

- Potential disruptions have resulted in diversions from the Red Sea.
- The Port of Los Angeles and the Port of Long Beach are strong and essentially at the same place as their 2024 peak, which is very impressive.
- The current volume being processed for the San Francisco Bay region is comparable to the volume processed in FY 21/22 (when there were various large issues, such as labor disruptions, driver shortages, and warehouse congestion) despite the lack of similar issues for 2025.
- Some ports are planning to absorb some of the tariff costs for competitive pricing.
- The ports usually experience shipping increases and decreases on a cyclical schedule, but uncertainty has increased due to the 10% tariffs proposed for April 2024 and additional 10% tariffs in the future. Shippers may change ports or vessel sizes depending on the method utilized to enforce tariffs (charged by vessel or by weight).
- The San Francisco Bay region cannot absorb all the costs incurred for the tariffs and is currently maintaining volumes, but no increases are anticipated, and the volumes/number of vessels are likely to decrease as costs increase.
- The United States Dollar (USD) remains strong, which is good for imports but bad for exports. A strong USD tends to result in trade surpluses. The tariffs will temporarily strengthen the USD and increase the capital coming into the States, but it is not a sustainable increase and may result in retaliatory tariffs.
- A difficult quarter is anticipated for the Ports of San Francisco and Oakland.

- Federal grant funding, which usually drives activity, has been frozen, resulting in delays and reduced competitiveness. Some ports have been able to avoid freezes or unfreeze funds or receive reimbursements for costs incurred, while other ports, such as the Port of Oakland, have yet to regain forward momentum.

**17. Discussion regarding the contract for Surcharge Collection, Pilot Education and Pilot Trainee Training between the SFBP and the Board, and issues related to reimbursement of the SFBP by the Board. Captain McIntyre)**

Captain McIntyre stated there was nothing new to report but requested to keep the agenda item for the surcharge collection or to include it on SFBP's general update.

*Agenda item 21 was addressed prior to agenda item 18 due to the need to go into a closed session for agenda items 18-20.*

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

**A) Discussion regarding the need to reschedule the March 27, 2025 Board meeting to a new date due to multiple scheduling conflicts.**

**Possible Board action to adjust the Board meeting schedule.**

Board members agreed to keep the next Board meeting scheduled for March 27, 2025, and add an agenda item to the meeting to discuss rescheduling the May 22, 2025 Board meeting to a new day due to multiple scheduling conflicts.

**B) Discussion regarding agenda items to include in the next Board meeting.**

President Tynan requested the agenda retain agenda items 8(B) (stipend increase discussion – may be discussed in a separate agenda item), 11 (Ad Hoc Committee ... Exam), and 17 (surcharge collection updates from SFBP).

Captain McIntyre requested a standard rate change process and a possible change to the regulations to ensure the Finance Committee is given a chance to meet prior to the Board voting on anything that may impact surcharges.

Recess began at 11:52 a.m.  
Meeting resumed 12:00 a.m.  
Closed session began at 12:00 p.m.  
Closed session ended at 12:22 p.m.  
Open session resumed at 12:22 p.m.

**18. Presentation and discussion of a request for a disability pension by licensee Captain Steven Teague (Executive Director Garfinkle)**

**Presentation and discussion of disability pension request by licensee Captain Steven Teague. Possible Board deliberation and findings on:**

**A) Whether Captain Teague 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 stated that, while in closed session, the Board concluded that Captain Teague is disabled within the meaning of HNC section 1164(b).

- B) If the Board determines that Captain Teague 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 Teague was unable to perform the duties of a pilot.**

**Possible Board action determining whether Captain Teague 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 Teague was unable to perform the duties of a pilot.**

**The Board may go into Closed Session to discuss Captain Teague's confidential medical reports as authorized by Harbors and Navigation Code (HNC) section 1157.1.**

Board Counsel Tuck stated that, while in closed session, the Board concluded that Captain Teague was unable to perform the duties of a pilot effective March 27, 2024.

- 19. 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).**

No action recommended and nothing to report.

Recess began at 12:24 p.m.  
Closed session resumed at 12:25 p.m.  
Closed session ended at 1:07 p.m.  
Open session resumed at 1:09 p.m.

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

**The Board will conduct the 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 stated that no action was taken by the Board; but the Board did praise Executive Director Garfinkle and Board staff for their work. Board Counsel Tuck stated he would confirm that the language regarding the term of the Executive Director's reappointment conforms to the statutory requirements for that position.

*Agenda item 21 was addressed prior to agenda item 18 so the Board continued to agenda item 22.*

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

Commissioner Rodriguez requested Board staff send the stipend report to the Finance Committee as a reminder to review.

**23. Adjournment.**

President Tynan adjourned the meeting at 1:09 p.m.

Submitted by:



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Allen Garfinkle  
Executive Director

DRAFT



## ACRONYM INDEX

Acronyms / Abbreviations	Definition
AFMR	Absent For Medical Reasons
BOPC/Board	Board of Pilot Commissioners
CA	California
Cal eProcure	California Electronic Procurement (website)
CalHR	California Department of Human Resources
Cal Poly	California Polytechnic State University
CalSTA	California State Transportation Agency
CDT	California Department of Technology
CHP	California Highway Patrol
CMA	California State University Maritime Academy / California Maritime Academy / Cal Maritime
COLA	Cost of Living Adjustment
DOF	The Department of Finance
GRT	Gross Registered Tons
HNC	Harbors and Navigation Code
IFB	Invitation for Bids
IRC	Incident Review Committee
ITMP	Information Technology Modernization Project
MRP	Minimum Rest Period
M/T	Motor Tanker / Motor Tug
M/V	Motor Vessel
OAL	Office of Administrative Law
OCC	Orange Coast College
PAL	Project Approval Lifecycle
PBF	Petroplus, Blackstone, and First Reserve
PEC	Pilot Evaluation Committee
PMI	Pacific Maritime Institute
PMSA	Pacific Merchant Shipping Association
P/V	Passenger Vessel / Pilot Vessel
REC	Regional Exam Center
RFP	Request for Proposals
RMC	Rex M Clack Law (Law firm)
SCO	State Controller's Office
SFBP	San Francisco Bar Pilots
SOW	Scope of Work
TBD	To Be Determined
UCSF	University of California San Francisco
USCG	United States Coast Guard
USD	United States Dollar

This and other documents for this meeting can be found on the Board's website [www.bopc.ca.gov](http://www.bopc.ca.gov).



[JUMP TO AGENDA](#)

## **Agenda Item 7: Directors' Report**

[JUMP TO AGENDA](#)

[JUMP TO AGENDA](#)

[JUMP TO AGENDA](#)

**Agenda Item 7A: Correspondence and activities since the Board meeting held on February 27, 2025**

**Agenda Item 7A-01: Letter Regarding Potential Remedial Actions Related to Not Meeting SB or DVBE Goals in the Last Two Fiscal Years**



Governor Gavin Newsom

March 13, 2025

Dear Executive Director Allen Garfinkle,

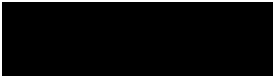
Thank you for your continuous efforts to support Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) inclusion in state contracting. Your commitment is crucial to fostering a diverse and equitable contracting environment across California.

Supporting small and disabled veteran-owned businesses is a key priority for the State of California, ensuring access to contracting opportunities and fostering economic growth. As state leaders, we play a critical role in driving these efforts forward by prioritizing procurement practices that expand participation and create lasting business opportunities. Meeting the SB and DVBE participation goals is not only a statutory requirement, but also an important step in strengthening California's supplier diversity and economic resilience. DGS is committed to working collaboratively with departments to address challenges, develop strategies, and provide the necessary support to improve participation outcomes.

Assembly Bill 2019 (Chapter 730, Statutes of 2022) tasked DGS/Office of Small Business and Disabled Veteran Business Enterprise (OSDS) to apply remedial actions (up to, but not limited to, removal of purchasing authority) to state agencies/departments that do not meet the 25% SB or the 3% DVBE participation goals for 3 out of 5 years starting with year 2022-23. Per our records, your department did not meet the SB and/or DVBE goal for 2022-23 and 2023-24. As such, in November of 2024, Purchasing Authority Unit has emailed your SB advocates and Purchasing Authority Contact (PAC)/Procurement and Contracting Officer (PCO) the information enclosed to alert departments at risk to be subject to remedial actions if goals are not met for a third year. I am extending the courtesy to you so you can support taking appropriate actions.

I am encouraging you to review with your team your department's SB/DVBE improvement plan and monitor the SB/DVBE participation data frequently to determine what additional efforts can be made to course correct and meet the participation goal(s). If your department has not yet met with our Advocacy Support team as part of our agency visit effort, please feel free to request a consultation with OSDS at [advocate@dgs.ca.gov](mailto:advocate@dgs.ca.gov) to discuss strategies for meeting the SB/DVBE participation goals and improving your department's performance in this area.

Thank you once again for your commitment to this initiative.



Jennifer Osborn  
Chief Deputy Director  
Department of General Services

Cc: Toks Omashakin, Secretary, Transportation Agency



### Agenda Item 7A-02: DGS Email to PCO/PAC



Governor Gavin Newsom

**From:** PAMS@DGS <[PAMS@dgs.ca.gov](mailto:PAMS@dgs.ca.gov)>

**Sent:** Monday, November 18, 2024 9:53 AM

**Subject:** 2-year SB/DVBE Participation Goal Status and Potential Remedial Actions

To PCO/PAC,

Thank you for your continuous efforts to support Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) inclusion in state contracting. Your commitment is crucial to fostering a diverse and equitable contracting environment across California.

As you know, Assembly Bill 2019 tasked DGS/OSDS to apply remedial actions (up to, but not limited to, removal of purchasing authority) to state agencies/departments that do not meet the 25% SB or the 3% DVBE participation goals for 3 out of 5 years starting with year 2022-23. Per our records, your department did not meet the SB and/or DVBE goals for 2022-23, and it looks like that it will not meet these goals for 2023-24. As the SB and DVBE goals were not met for 2 of the 5 years, your department is at risk to be subject to remedial action(s) if the SB and DVBE goals are not met in any of the three following years.

We have recently formed a workgroup to identify remedial actions under AB 2019. This collaborative group comprises procurement officials and advocates from several departments, as well as representatives from DGS in procurement, policy, legal, audits, and OSDS. Together, we are examining practical solutions to address challenges and develop actionable steps that support SB and DVBE participation goals. Please note that specific remedial actions are still being identified and will be communicated via a broadcast bulletin once they are adopted.

To prevent future application of remedial actions to the extent possible, OSDS has been surveying and/or meeting with departments on the implementation of AB 2019, to ensure they are reporting SB/DVBE participation or have documented exemptions for SB/DVBE CAR reporting (if applicable), and to identify any assistance that OSDS can offer to support SB/DVBE activities.

We encourage you to review your department's improvement plan and monitor the SB /DVBE participation data frequently to determine what additional efforts can be made to course correct and meet the goals. Additionally, if your department has not yet met with our Advocacy Support team as part of our agency visit effort, please feel free to request a consultation with OSDS at [advocate@dgs.ca.gov](mailto:advocate@dgs.ca.gov) or CalVet at [dvbe@calvet.ca.gov](mailto:dvbe@calvet.ca.gov), to discuss strategies for meeting the SB/DVBE participation goals and improving your department's performance in this area. Only reach out to CalVet if your department did not meet the DVBE goal.

Thank you once again for your commitment to this initiative.

**Purchasing Authority Management Section (PAMS)**

Procurement Division

Department of General Services

Email: [PAMS@dgs.ca.gov](mailto:PAMS@dgs.ca.gov)



Governor Gavin Newsom

**Beware of Fraudulent Activity!** – DGS has recently been made aware of fraudulent Purchase Orders and Spoof emails issued to the vendor community. Always confirm the validity of any Purchase Order by contacting the agency making the request. Do not process any order that appears suspicious. Do not click on any hyperlinks from a suspicious email. A list of state agencies with purchasing authority is provided on the DGS website located at <https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/List-of-State-Departments-with-Approved-Purchasing-Authority>. Be vigilant by confirming valid State of California emails and phone numbers. Vigilance is everyone's responsibility. For more information please visit <https://www.dgs.ca.gov/PD/News/Page-Content/Procurement-Division-News-List-Folder/Fraud-Alert>

## JUMP TO AGENDA

### Agenda Item 7A-03: Harbor Safety Committee Report (February 2025)

SIGNIFICANT PORT SAFETY AND SECURITY CASES (FEBRUARY 2025)
MARINE CASUALTIES
Loss of propulsion (03FEB25):AU.S. flagged ferry experienced a loss of propulsion on its port main engine while underway from Vallejo to San Francisco. The vessel was able to moor with the starboard main engine and the USCG granted a one-time transit to central bay facility in Alameda for repairs. An operational control, rectify prior to carriage of passengers (Code 701), was issued. The faulty oil pressure sensor that had caused the automatic engine shutdown was replaced and satisfactory sea trials were conducted. Operational control lifted. Case closed.
Allision (06FEB25):AU.S. flagged ferry allided with a dead head while approaching Raccoon Strait in the San Francisco Bay. The vessel was pulled from the water after mooring in Larkspur, and damage to the starboard propeller was discovered. An operational control, rectify prior to carriage of passengers (Code 701), was issued and the vessel was granted a one-time transit from Larkspur to Alameda for repairs. USCG attended the vessel upon completion of propeller repairs. Operational control lifted. Case closed.
Loss of propulsion (11FEB25):AU.S. flagged towing vessel experienced a reduction in propulsion when the port main engine failed to respond to helm commands while the vessel was towing an empty fuel barge near the Martinez Refinery. The vessel identified the cause of the casualty to be debris in the air line, which the vessel was able to clear. USCG granted one-time transit to Richmond for repairs. An operational control, rectify prior to carriage of cargo (Code 701), was issued. USCG received satisfactory report from the vessel's Third-Party Organization, operational control lifted. Case closed.
Loss of propulsion (19FEB25):AU.S. flagged passenger vessel experienced a reduction in propulsion while transiting from San Francisco to Alameda with passengers on board. The vessel's starboard main engine lost thrust with no alarm present. The vessel moored in Alameda with the port main engine. An operational control, rectify prior to the carriage of passengers (Code 701), was issued. A faulty coupling that had caused the reduction in propulsion was replaced and satisfactory sea trials were conducted. Operational control lifted. Case closed.
Loss of propulsion (21FEB25):AU.S. flagged fishing vessel experienced a loss of propulsion while operating in Bodega Bay. The vessel was towed in by USCG STA Bodega Bay, followed by a post-search and rescue boarding with deficiencies noted. USCG attended the vessel on 24FEB25 and 27FEB25 for dockside renewal exam. Case pends.
VESSEL SAFETY CONDITIONS
Vessel Detention (11FEB25):A foreign flag tank vessel was inspected at Anchorage 9 and detained due to untreated water, leaking toilet, and multiple patches on inert gas lines. Deficiencies provided objective evidence of a serious failure of the implementation of ISM Code; Coast Guard required that the Administration or RO conduct a safety management audit. Class and Coast Guard witnessed fixed toilet and inert gas lines, clean water coming out of sinks, and proof of safety management audit and the detention was lifted. Case closed.
NAVIGATIONAL SAFETY
Letter of Deviation (LOD), Inoperable X-Band Radar (03FEB2025):A foreign flag vehicle carrier was issued an outbound LOD for their inoperable X-band radar. Repairs pending; required parts are not available in the U.S. Must be corrected before returning to U.S. after sailing foreign. Case pends.
Letter of Deviation (LOD), Inoperable S-Band Radar, (17FEB2025):A foreign flag container ship was issued an inbound LOD for their inoperable S-band radar. Repairs were conducted and the equipment is working properly. Case closed.
SIGNIFICANT INCIDENT MANAGEMENT DIVISION CASES
Letter of Warning (06FEB25):USCG IMD received reports of a 30ft recreational vessel partially submerged in the Oakland-Alameda Estuary discharging gasoline and creating a sheen. IMD duty team contacted Reporting Parties, who verified that the vessel was discharging gasoline and sent photos of the sheen. The vessel's discharge potential was 150gal. of gasoline. USCG IMD contacted the owner and issued a Notice of Federal Interest (NOFI), verbal Letter of Warning (LOW), and Notice of Federal Assumption (NOFA). The source of pollution secured with a deployment of containment hard boom and absorbent boom. IMD concluded that no further environmental threat exists. IMD pursued enforcement against vessel owner pursuant to 33 U.S.C. 1321(b)(3).
Letter of Warning (19FEB25):USCG NRC report stated a mystery rainbow sheen discovered in the Sacramento Marina. CA Fish & Wildlife Warden identified suspected pollution source from a vessel in the marina. The vessel had oily bilge water diesel product and created a sheen when moving in the slip. The marina applied boom around the vessel to contain the rest of the sheen. USCG IMD later contacted the owner of the vessel. Source of pollution contained, and remaining product dissipated in the waterway. LOW pursued against vessel owner pursuant to the 33 U.S.C. 1321(b)(3).

## JUMP TO AGENDA

PREVENTION / RESPONSE- SAN FRANCISCO HARBOR SAFETYSTATISTICS			
February 2025			
PORT SAFETY CATEGORIES*	Feb-2025	Feb-2024	**3yr Avg
Total Number of Port State Control Detentions:	1	0	0.03
SOLAS(0), STCW(0), MARPOL (0), ISM(1), ISPS(0)			
Total Number of COTPOrders:	1	0	2.36
Navigation Safety (1), Port Safety & Security (0), ANOA (0)			
Marine Casualties (reportable CG 2692)within SFBay:	7	5	6.75
Allision (1), Collision (0), Fire(0), Capsize (0), Grounding (0), Sinking (0)			
Steering (0), Propulsion (4), Personnel (2), Other (0), Pow er (0)			
Total Number of (routine) Navigation Safety issues/Lettersof Deviation:	2	1	1.69
Radar (2), Gyro (0), Steering (0), Echo Sounder (0), AIS(0)			
ARPA(0), Speed Log (0), R.C. (0), Other (0)			
Reported or Verified "Rule 9" or other Navigational Rule Violations:	0	0	0.08
Significant Waterway events/Navigation related Cases:	0	0	0.00
<b>Total Port Safety (PS)Cases opened</b>	<b>11</b>	<b>6</b>	<b>10.92</b>
MARINE POLLUTION RESPONSE			
Pollution Discharge Sources (Vessels)	Feb-2025	Feb-2024	**3yr Avg
U.S.Com mercial Vessels	0	4	0.81
Foreign Freight Vessels	1	1	0.19
Public Vessels	2	0	0.94
Comm ercial FishingVessels	0	1	0.69
Recreational Vessels	4	12	7.42
Pollution Discharge Sources (Facilities)	Feb-2025	Feb-2024	**3yr Avg
Regulated Waterfront Facilities	0	0	0.31
Regulated Waterfront Facilities - Fuel Transfer	2	0	0.31
Other Land Sources	1	8	4.53
Mystery Spills- Unknow n Sources	7	6	6.22
Number of Pollution Incidents (By Spill Size)	Feb-2025	Feb-2024	**3yr Avg
Spills< 10 gallons	9	10	11.17
Spills10 - 100 gallons	2	3	1.75
Spills100 - 1000 gallons	0	2	0.22
Spills> 1000 gallons	0	0	0.00
Spills - Unknow n Size	6	17	7.28
<b>Total Pollution Incidents</b>	<b>17</b>	<b>32</b>	<b>20.42</b>
Oil Discharge/Hazardous Materials Release Volumes by Spill Size	Feb-2025	Feb-2024	**3yr Avg
Estimated spill am ount from U.S.Com mercial Vessels	0.00	10.50	6.43
Estimated spill am ount from Foreign Freight Vessels	25.00	0.00	0.89
Estimated spill am ount from Public Vessels	26.00	0.00	16.86
Estimated spill am ount from Com mercial FishingVessels	0.00	0.00	2.54
Estimated spillam ount from Recreational Vessels	2.00	0.00	24.87
Estimated spillam ount from Regulated Waterfront Facilities	0.00	0.00	1.90
Estimated spill am ount from Regulated Waterfront Facilities - Fuel Transfer	0.00	0.00	1.35
Estimated spillam ount from Other Land Sources	0.00	60.00	44.51
Estimated spill am ount from Unknow n Sources (MysterySheens)	3.00	6.00	5.28
<b>Total Oil Discharge and/ or Hazardous Materials Release (Gallons)</b>	<b>56.00</b>	<b>76.50</b>	<b>104.62</b>
Penalty Actions	Feb-2025	Feb-2024	**3yr Avg
Civil Penalty Cases	0	0	0.06
Notice of Violations	0	0	0.08
Lettersof Warning	4	6	3.25
<b>Total Penalty Actions</b>	<b>4</b>	<b>6</b>	<b>3.39</b>
* NOTE: Valuesrep resent all casesw ithin the HSCjurisdiction during the period. Significant casesare detailed in the na rrative.			
** NOTE:Valuesrepresent an average month over a 36 month period for the specified category of information.			

**Agenda Item 7A-04: Department of Finance Board Surcharge Increase Reply Letter**



DEPARTMENT OF  
**FINANCE**

BOPC  
**MAR 20 2025**  
RECEIVED

**Gavin Newsom ■ Governor**

915 L Street ■ Sacramento CA ■ 95814-3706 ■ [www.dof.ca.gov](http://www.dof.ca.gov)

March 20, 2025

Captain Allen Garfinkle  
Executive Director  
Board of Pilot Commissioners for the Bays  
San Francisco, CA 94111

Dear Captain Garfinkle:

Finance has received your letter dated March 11, 2025, requesting approval to increase the current Board Operations Surcharge from 5.75 percent to 6.5 percent, effective April 1, 2025.

Section 1159.2 of the Harbors and Navigation Code requires the Board of Pilot Commissioners to review its ongoing and anticipated expenditures on a quarterly basis and to adjust the Operations Surcharge accordingly. In addition, this statute requires the approval of the Department of Finance (Finance) for any surcharge amount that is less than 7.5 percent of all pilotage fees charged by pilots.

Finance understands the Board voted on February 27, 2025, to approve an increase to the Board Operations Surcharge from the current 5.75 percent to 6.5 percent, effective April 1, 2025. The increase in the surcharge is intended to maintain a Board Operations fund balance reserve of approximately one year of expenditures, which is equivalent to \$2.5 million. The Board notes the increase is necessary to fund the modernization effort taking place at the Board.

The Board Operations Surcharge Fund expenditures in fiscal year 2025-26 are anticipated to be [REDACTED]. However, this presupposes that the Business Modernization Spring Finance Letter submitted to the Department of Finance on February 2, 2025 for consideration in the 2025-26 May Revision will be approved by the Legislature as proposed. Finance notes that the Spring Finance Letter is a confidential document that has not been released in May Revision, and notes that the timing of the increase in the surcharge should align with the approval of the modernization funding proposal.

Based on the information provided and the timing of this request, the Department of Finance will not take action on this proposed fee increase and instead recommends delaying the submission of a Board Operations Surcharge increase to 6.5 percent until the 2025 Budget Act is approved and the approved expenditure levels for 2025-26 are known.

- 2 -

If you have any questions or need additional information regarding this matter, please call Matthew Macedo, Principal Program Budget Analyst, at (916) 322-2263.

Sincerely,



TERESA CALVERT  
Program Budget Manager

cc: Allen Garfinkle, Board of Pilot Commissioners for the Bays of San Francisco,  
San Pablo, and Suisun, Executive Director  
Toks Omishakin, Secretary, California State Transportation Agency  
Carlos Quant, Deputy Secretary, Budget and Administration, California State  
Transportation Agency  
Sean Duryee, Deputy Commissioner, California Highway Patrol  
Michelle Fojas, Commander, Fiscal Management Section, California Highway Patrol



## [JUMP TO AGENDA](#)

### Agenda Item 7A-05: NTSB Investigation Update

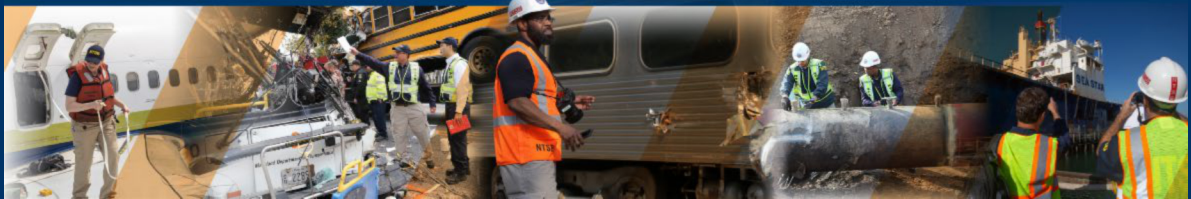
**From:** NTSB Advocacy

**Sent:** Friday, March 21, 2025 6:44 AM

**To:** Garfinkle, Allen@BOPC

**Subject:** NTSB Investigation Update: NTSB Issues Four Urgent Safety Recommendations to Safeguard Bridges from Vessel Strikes

**EXTERNAL EMAIL.** Links/attachments may not be safe.

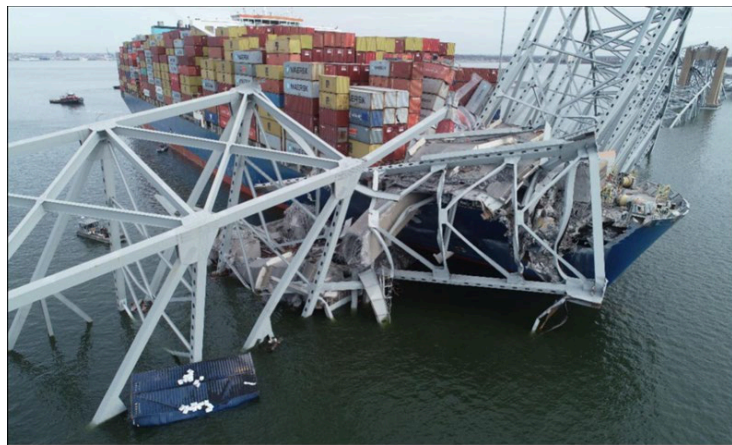


## NTSB ADVOCACY UPDATE

### NTSB Issues Urgent Safety Recommendations to Safeguard Bridges from Vessel Strikes

Today, the NTSB issued an [interim report](#) in relation to the ongoing investigation into the collapse of the Francis Scott Key Bridge in Baltimore.

NTSB recommended that 30 owners of 68 bridges across 19 states conduct a vulnerability assessment to determine the risk of bridge collapse from a vessel collision.



The NTSB found that the Key Bridge, which collapsed after being struck by the containership Dali on March 26, 2024, was almost 30 times above the acceptable risk threshold for critical or essential bridges, according to guidance established by the American Association of State Highway and Transportation Officials, or AASHTO.

Over the last year, the NTSB identified 68 bridges that were designed before the AASHTO guidance was established —like the Key Bridge—that do not have a current vulnerability assessment. The recommendations are issued to bridge owners to calculate the annual frequency of collapse for their bridges using AASHTO's Method II calculation.

Today's report does not suggest that the 68 bridges are certain to collapse. The NTSB is recommending that these 30 bridge owners evaluate whether the bridges are above the AASHTO acceptable level of risk. The NTSB recommended that bridge owners develop and implement a comprehensive risk reduction plan, if the calculations indicate a bridge has a risk level above the AASHTO threshold.

In 1991, AASHTO developed and published the vulnerability assessment calculation for new bridges on the National Highway System, in response to the NTSB's investigation of the Sunshine Skyway Bridge collapse in Florida. At the time, AASHTO also recommended that all bridge owners conduct the vulnerability assessment on existing bridges to evaluate their risk of catastrophic collapse in the event of a vessel collision. AASHTO reiterated that recommendation to States again in 2009.

Since 1994, the Federal Highway Administration, or FHWA, has required new bridges be designed to minimize the risk of a catastrophic bridge collapse from a vessel collision, given the size, speed and other characteristics of vessels navigating the channel under the bridge. The Key Bridge was built before vulnerability assessments were required by FHWA.

The NTSB found that had the Maryland Transportation Authority, or MDTA, conducted a vulnerability assessment on the Key Bridge based on recent vessel traffic, MDTA would have been aware that the Key Bridge was above the acceptable risk and would have had

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information to proactively reduce the bridge's risk of a collapse and loss of lives associated with a vessel collision with the bridge.

The NTSB is also recommending FHWA, the U.S. Coast Guard and the U.S. Army Corps of Engineers establish an interdisciplinary team to provide guidance and assistance to bridge owners on evaluating and reducing the risk, which could mean infrastructure improvements or operational changes.

The 984-foot Singapore-flagged cargo vessel Dali was transiting out of Baltimore Harbor when it experienced a loss of electrical power and propulsion and struck the southern pier supporting the central truss spans of the Francis Scott Key Bridge, which subsequently collapsed. Six construction crewmembers were killed and another was injured, as well as one person onboard the vessel.

Read the [Marine Investigation Report](#).

Visit the [Investigation Page](#).

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**Agenda Item 7A-06: OAL Letter Confirming Effective Date of Pilot Boat Regulations**

BOPC

**MAR 24 2025**

**RECEIVED**

**State of California  
Office of Administrative Law**

**In re:**  
**Board of Pilot Commissioners**

**Regulatory Action:**

**Title 07, California Code of Regulations**

**Amend sections: 236.1**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2025-0206-02**

**OAL Matter Type: Regular (S)**

This regular rulemaking action by the Board of Pilot Commissioners (Board) amends the procedures by which the Board will authorize pilots to recover from the Pilot Boat Surcharge Account the costs associated with obtaining and modifying pilot boats.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2025.

**Date:** March 21, 2025



Timothy Findley  
Senior Attorney

**For:** Kenneth J. Pogue  
Director

**Original:** Allen Garfinkle, Executive  
Director

**Copy:** Allen Garfinkle

### Agenda Item 7A-07: Executive Director Letter to Capt. Baldueza

**From:** [Garfinkle, Allen@BOPC](mailto:Garfinkle.Allen@BOPC)  
**To:** [REDACTED]  
**Subject:** Board of Pilot Commissioners  
**Date:** Wednesday, March 12, 2025 3:58:00 PM

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Good day Captain Baldueza,

I am the Executive Director for the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. We are a state regulatory board charged with regulating the maritime pilot state licensees that amalgamate to form the San Francisco Bar Pilots. We issue their annual state licenses, monitor their fitness for duty, investigate incidents where they are involved, offer their continuing education programs, and examine, select, and train new pilot candidates.

It is that later role which is prompting me to correspond with you today. Our trainee selection process and our new pilot training is extensive. Prior to being accepted into our training program, our candidates must show prior command experience, pass a written test, a simulator test, and an interview, all prior to being awarded a spot of a waiting list. From that list, the Board chooses candidates to enter our training program.

The training program consists of a minimum of one year training (maximum of three) and a thorough exposure to all the commercial wharves in our jurisdiction, which includes all the central bay, as well as Stockton and Sacramento. This is accomplished by our trainees accompanying an existing licensee as an apprentice of sorts. During this training, our trainees (which come from a variety of maritime sectors and geographic areas) are expected to obtain First Class Pilotage Endorsement on their master's credentials.

We have recently been made aware of some changes in the way the Regional Exam Center (REC) tests for these endorsements, including changes to the testing process and methodologies. There are rumors that this is driven by changes at the NMC, and a desire to standardize pilot endorsement testing methodology nationwide, but I cannot personally confirm this. The practical effect on our trainees attempting to obtain these endorsements has been to make them feel as if the goalposts for these endorsements keep shifting, even to the point where a trainee shows up to test and is told that the test now includes information that was not previously requested or tested for in the past. Admittedly, I do not know this experience firsthand and only vicariously from the trainees and those overseeing the training, our Pilot Evaluation Committee. The practical effect of these changes is to slow or unduly delay our trainees progress toward eventual licensure.

Nonetheless, the reports are frequent and numerous enough to cause concern from our Board, and they have asked me (along with the Chairperson of our Pilot Evaluation Committee) to schedule a meeting with you to discuss the processes being relied upon by the local Regional Exam Center (REC) to see if we can streamline or at least standardize them so that, in the future, we minimize the level of frustration felt by our examinees/trainees.

I am available to discuss in person, by email, or by phone.

Thank you in advance for your consideration.



Respectfully,

Allen G.

Allen Garfinkle  
*Executive Director*

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
660 Davis Street, San Francisco, California 94111

[REDACTED]

Phone: 415-397-2253

[REDACTED]

### Agenda Item 7A-08: Response from Capt. Baldueza

**From:** [Baldueza, Jordan M CAPT USCG SEC SAN FRAN \(USA\)](#)  
**To:** [Garfinkle, Allen@BOPC](#)  
**Cc:** [Sanford, Clark W LCDR USCG SEC SAN FRAN \(USA\)](#)  
**Subject:** RE: Board of Pilot Commissioners  
**Date:** Friday, March 14, 2025 10:07:53 AM

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Good morning Executive Director Garfinkle,

Thank you for your email and relaying the concerns. I've asked my Waterways Management Chief, Lieutenant Commander Clark Sanford (Cc'd), who is my lead POC for these issues. He should be reaching out to you soon.

Sincerely,  
Jordan

Captain Jordan Martinez Baldueza  
Sector Commander/Captain of the Port  
U.S. Coast Guard Sector San Francisco

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**From:** Garfinkle, Allen@BOPC [REDACTED]  
**Sent:** Wednesday, March 12, 2025 3:58 PM  
**To:** Baldueza, Jordan M CAPT USCG SEC SAN FRAN (USA) [REDACTED]  
**Subject:** [Non-DoD Source] Board of Pilot Commissioners

Good day Captain Baldueza,

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## [JUMP TO AGENDA](#)

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Nonetheless, the reports are frequent and numerous enough to cause concern from our Board, and they have asked me (along with the Chairperson of our Pilot Evaluation Committee) to schedule a meeting with you to discuss the processes being relied upon by the local Regional Exam Center (REC) to see if we can streamline or at least standardize them so that, in the future, we minimize the level of frustration felt by our examinees/trainees.

I am available to discuss in person, by email, or by phone.

Thank you in advance for your consideration.

Respectfully,

Allen G.

**Allen Garfinkle**  
*Executive Director*

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
660 Davis Street, San Francisco, California 94111

Phone: 415-397-2253

## JUMP TO AGENDA

### Agenda Item 7A-09: USCG Cybersecurity Requirements for MTSA-Regulated Entities

**From:** [Information](#)  
**Subject:** Important: New USCG Cybersecurity Requirements for MTSA-Regulated Entities  
**Date:** Wednesday, March 26, 2025 10:13:54 AM  
**Attachments:** [Cyber Regulations Fact Sheet for Public Release.pdf](#)  
[Cyber Small Entity Guide Facilities.pdf](#)  
[Cyber Small Entity Guide Vessels.pdf](#)

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Dear Marine Exchange Member and Port Partner

I'm writing to share three important documents regarding the U.S. Coast Guard's new cybersecurity regulations for the Marine Transportation System. These documents include:

- A fact sheet summarizing the rule and timelines
- A compliance guide for MTSA-regulated facilities and OCS facilities
- A compliance guide for MTSA-regulated U.S.-flagged vessels

These new requirements—effective July 16, 2025—mandate the designation of a Cybersecurity Officer, development of a Cybersecurity Plan, routine training, and reporting of cyber incidents. The Coast Guard has emphasized the potential operational and economic impacts of noncompliance.

If you are responsible for a facility or vessel operating under MTSA regulations, it is imperative that you begin planning for adherence now to avoid disruptions or enforcement actions.

While I may not have the technical answer myself, I can point you to the right person who does.

Please don't hesitate to reach out with any questions or concerns. We're here to support your compliance efforts.

Best regards,  
Scott

F. Scott Humphrey

Executive Director, Marine Exchange of the San Francisco Bay Region  
Chairperson, Harbor Safety Committee of the San Francisco Bay Region

Office [REDACTED] Mobile [REDACTED]

Web [www.sfmex.org](http://www.sfmex.org) Email [REDACTED]

10 Commodore Drive, Emeryville, CA 94608

## FACT SHEET: U.S. Coast Guard Issues Final Rule & Request for Comments on New Cybersecurity Regulations for the Marine Transportation System

- **On January 17, 2025, the U.S. Coast Guard published a new final rule that establishes baseline cybersecurity requirements to protect the marine transportation system (MTS) from cyber threats.**
- **The Coast Guard is also requesting comments on the implementation periods for U.S.-flagged vessels.**
- **Who do the new regulations apply to?**
  - This final rule applies to the owners and operators of U.S.-flagged vessels, facilities, and Outer Continental Shelf (OCS) facilities required to have a security plan under 33 CFR parts 104, 105, and 106.
  - This subpart does not apply to any foreign-flagged vessels subject to 33 CFR part 104.
- **What is the effective date**
  - This final rule is effective July 16, 2025.
- **What are the compliance timeframes?**
  - The following table outlines the timing of this final rule's requirements:

Effective Dates	Provisions
<b>Immediately Upon July 16, 2025</b>	Entities that have not reported to the Coast Guard pursuant to, or are not subject to, 33 CFR 6.16-1, begin ensuring that all reportable cyber incidents are reported to the National Response Center (NRC). § 101.620(b)(7).
<b>By January 12, 2026</b>	<p>All personnel must complete the training specified in § 101.650(d)(1)(ii) through (v), which includes recognition and detection of cybersecurity threats and all types of cyber incidents, techniques used to circumvent cybersecurity measures, procedures for reporting a cyber incident to the Cybersecurity Officer (CySO), and operational technology (OT)-specific cybersecurity training (for all personnel whose duties include using OT).</p> <p>Key personnel must also complete the training specified in § 101.650(d)(2) about their roles and responsibilities during a cyber incident and response procedure and how to maintain current knowledge of changing cybersecurity threats and countermeasures.</p> <p>Additional training requirements include the following:</p> <ul style="list-style-type: none"> <li>○ Training for new personnel not in place at the time of the effective date of this final rule must be completed within 5 days of gaining system access, but no later than within 30 days of hiring and annually thereafter.</li> <li>○ Training for personnel on new information technology (IT) or</li> </ul>



## FACT SHEET: U.S. Coast Guard Issues Final Rule & Request for Comments on New Cybersecurity Regulations for the Marine Transportation System

	OT systems not in place at the time of the effective date of this final rule must be completed within 5 days of system access and annually thereafter.
<b>By July 16, 2027</b>	<p>Owners and operators must designate, in writing, the CySO. § 101.620(b)(3) and (c)(1).</p> <p>Owners and operators must conduct the Cybersecurity Assessment within 24 months of the effective date of this final rule and annually thereafter (or sooner than annually if there is a change in ownership). § 101.650(e)(1).</p> <p>Owners and operators must submit the Cybersecurity Plan to the Coast Guard for approval within 24 months of the effective date of this final rule. § 101.655.</p>
<b>After Receiving Approval of the Cybersecurity Plan</b>	<p>Owners and operators must conduct cybersecurity drills at least twice each calendar year. Owners and operators must also conduct cybersecurity exercises at least once each calendar year, with no more than 18 months between cybersecurity exercises. § 101.635(b)(1) and (c)(1).</p> <p>All personnel must complete the training specified in § 101.650(d)(1)(i) within 60 days of receiving approval of the Cybersecurity Plan.</p> <p>Each owner or operator must ensure that the cybersecurity portion of their Plan and their penetration test results are available to the Coast Guard upon request. § 101.660.</p>

### ➤ Why is the Coast Guard requesting comments on the implementation period for U.S.-flagged vessels?

- The Coast Guard received several public comments asking us to extend the implementation period for different periods ranging from 36 to 48 months beyond the 12 to 18 months proposed in the notice of proposed rulemaking (NPRM). Some commenters suggested that U.S.-flagged vessels would require more time than facilities to implement the requirements in this final rule.
- The Coast Guard invites the public to comment by March 18, 2025, on whether we should delay the implementation periods for U.S.-flagged vessels for a period of 2 to 5 years beyond what is specified in this final rule. For a more detailed discussion, please see Section VII of the final rule. Comments submitted should include information supporting the specific period from 2 to 5 years that the commenter suggests. (See the ADDRESSES portion of the final rule preamble, under *Comment period for solicited additional comments*, for instructions on submitting comments.)
- After reviewing any comments and supporting information received, the Coast Guard may issue a future rulemaking to implement this additional delay to provide time for U.S.-flagged vessels to comply with these requirements.



### FACT SHEET: U.S. Coast Guard Issues Final Rule & Request for Comments on New Cybersecurity Regulations for the Marine Transportation System

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➤ **Where can I find the regulatory text?**

- Regulatory text can be found at [www.regulations.gov](https://www.regulations.gov) (type USCG-2022-0802 in the search box and click “Search.”)

➤ **Where should I send questions?**

- For submitting comments regarding the implementation period for U.S.-flagged vessels, go to [www.regulations.gov](https://www.regulations.gov), type USCG-2022-0802 in the search box, and click “Search.” Next, look for this document in the **Search Results** column, and click on it. Then click on the **Comment** option.
- For further information about this rulemaking, email [MTSCyberRule@uscg.mil](mailto:MTSCyberRule@uscg.mil).
- For facility-related questions, call Commander Brandon Link, Office of Port and Facility Compliance, at 202-372-1107.
- For vessel-related questions, call Commander Christopher Rabalais, Office of Design and Engineering Standards, at 202-372-1375.



## The U.S. Coast Guard Cybersecurity Regulations for the Marine Transportation System

### Small Entity Compliance Guide for MTSA-regulated Facilities and OCS Facilities

Docket: To view documents mentioned in the final rule as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), type USCG-2022-0802 in the search box, and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

For further information about this document, email [MTSCyberRule@uscg.mil](mailto:MTSCyberRule@uscg.mil) or call Commander Brandon Link, Office of Port and Facility Compliance at 202-372-1107.

For additional cybersecurity resources visit the Coast Guard Maritime Industry Resource Center at <https://www.uscg.mil/MaritimeCyber/>.

### The Basics of the Rule

The Coast Guard is updating its maritime security regulations by establishing minimum cybersecurity requirements for U.S.-flagged vessels, Outer Continental Shelf (OCS) facilities, and facilities subject to the Maritime Transportation Security Act of 2002 (MTSA) regulations. This final rule addresses current and emerging cybersecurity threats in the marine transportation system by adding minimum cybersecurity requirements to help detect risks and respond to and recover from cybersecurity incidents. These include requirements to develop and maintain a Cybersecurity Plan, designate a Cybersecurity Officer (CySO), and take various measures to maintain cybersecurity within the marine transportation system.

We formulated minimum cybersecurity requirements that may assist firms and regulated entities with their cybersecurity posture in an effort to reduce the likelihood, vulnerability, and risk of a cyber incident. If a cyber incident occurs, the Coast Guard believes that these minimum cybersecurity requirements will mitigate its impact on firms, regulated entities, and the U.S. economy, and create the intended benefits for regulated entities.

## The Components of Cybersecurity in the Marine Transportation System

### 33 CFR Subchapter F

- 101.600 Purpose.
- 101.605 Applicability.
- 101.610 Federalism.
- 101.615 Definitions.
- 101.620 Owner or operator.
- 101.625 Cybersecurity Officer.
- 101.630 Cybersecurity Plan.
- 101.635 Drills and exercises.
- 101.640 Records and documentation.
- 101.645 Communications.
- 101.650 Cybersecurity measures.
- 101.655 Cybersecurity compliance dates.
- 101.660 Cybersecurity compliance documentation.
- 101.665 Noncompliance, waivers, and equivalents.
- 101.670 Severability.

### Frequently Asked Questions

#### Am I covered by this final rule?

You are covered by this final rule if you are an owner or operator of a facility or an OCS facility required to have a security plan under title 33, Code of Federal Regulations (CFR), parts 105 and 106.

#### What are my cyber incident reporting responsibilities as a small entity?

This final rule did not create new cyber incident reporting requirements for MTSA-regulated facilities that are subject to 33 CFR 6.16-1; however, it did add a definition for “reportable cyber incident” and created a requirement for entities that have not reported to the Coast Guard pursuant to, or are not subject to, 33 CFR 6.16-1, to report all reportable cyber incidents to the National Response Center (NRC) per § 101.620(b)(7). 33 CFR 6.16-1 does not apply to OCS facilities regulated under 33 CFR part 106. Therefore, MTSA-regulated OCS facilities are subject to the reporting requirements in 33 CFR 101.620.

#### Background on “cyber incident” and “reportable cyber incident” reporting requirements:

On February 21, 2024, Executive Order 14116 on Amending Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States amended 33 CFR part 6. Among other provisions, it added a definition for “cyber incident” and created a requirement to report evidence of an actual or threatened cyber incident involving or endangering any vessel, harbor, port, or waterfront facility to the Coast Guard, the Federal Bureau of Investigation (FBI), and the Cybersecurity and Infrastructure Security Agency (CISA). The broad

applicability of 33 CFR part 6 and the new definition of a cyber incident created an overlap with existing MTSA reporting requirements.

Cyber incident means an occurrence that actually jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system, or actually jeopardizes, without lawful authority, an information system.

On January 17, 2025, the Coast Guard updated its maritime security regulations by establishing minimum cybersecurity requirements for U.S.-flagged vessels, facilities, and OCS facilities subject to MTSA regulations. Among other provisions, it added a definition for “reportable cyber incident” and created a requirement for entities that have not reported to the Coast Guard pursuant to, or are not subject to, 33 CFR 6.16-1, to report all reportable cyber incidents to the NRC per § 101.620(b)(7).

Reportable cyber incident means an incident that leads to or, if still under investigation, could reasonably lead to any of the following: (1) Substantial loss of confidentiality, integrity, or availability of a covered information system, network, or OT system; (2) Disruption or significant adverse impact on the reporting entity’s ability to engage in business operations or deliver goods or services, including those that have a potential for significant impact on public health or safety or may cause serious injury or death; (3) Disclosure or unauthorized access directly or indirectly of nonpublic personal information of a significant number of individuals; (4) Other potential operational disruption to critical infrastructure systems or assets; or (5) Incidents that otherwise may lead to a transportation security incident as defined in 33 CFR 101.105.

### Are there waivers or equivalents to this final rule for small entities?

Yes, per § 101.665, an owner or operator, after completing the required Cybersecurity Assessment, may seek a waiver or an equivalence determination for the requirements in subpart F consistent with the waiver and equivalence provisions in 33 CFR [105.130](#), [105.135](#), [106.125](#), and [106.130](#).

#### § 105.130 Waivers.

Any facility owner or operator may apply for a waiver of any requirement of this part that the facility owner or operator considers unnecessary in light of the nature or operating conditions of the facility, prior to operating. A request for a waiver must be submitted in writing with justification to the Commandant (CG-5P), Attn: Assistant Commandant for Prevention Policy, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501. The Commandant (CG-5P) may require the facility owner or operator to provide data for use in determining the validity of the requested waiver. The Commandant (CG-5P) may grant, in writing, a waiver with or without conditions only if the waiver will not reduce the overall security of the facility, its employees, visiting vessels, or ports.

#### § 106.125 Waivers.

Any OCS facility owner or operator may apply for a waiver of any requirement of this part that the OCS facility owner or operator considers unnecessary in light of the nature or operating conditions of the OCS facility. A request for a waiver must be submitted in writing with justification to the cognizant District Commander. The cognizant District Commander may require the OCS facility

owner or operator to provide additional data for use in determining the validity of the requested waiver. The cognizant District Commander may grant a waiver, in writing, with or without conditions only if the waiver will not reduce the overall security of the OCS facility, its personnel, or visiting vessels.

### What are the requirements for the waiver submissions for small entities?

- Waivers should be submitted on signed formal correspondence and include:
  - Copy of the Cybersecurity Assessment.
  - Specific requirement(s) requested to be waived.
  - Justification for why a requirement is not applicable or why a facility or an OCS facility is unable to comply with the specific requirement(s).

#### § 105.135 Equivalents.

For any measure required by this part, the facility owner or operator may propose an equivalent as provided in § [101.130](#).

#### § 106.130 Equivalents.

For any measure required by this part, the OCS facility owner or operator may propose an equivalent, as provided in § [101.130](#).

### What are the requirements for equivalence submissions for small entities?

- Requests for approval of equivalent cybersecurity measures should be submitted on signed formal correspondence and include:
  - Specific requirement(s) requested for equivalency.
  - Justification of the proposed equivalency.
  - Comparison on how the alternative complies with the intent of a requirement in question.

Additionally, as noted in § 101.660, the Alternative Security Program (ASP) provisions apply to cybersecurity compliance documentation and are addressed in 33 CFR [105.140](#) for facilities, and 33 CFR [106.135](#) for OCS facilities. Given the unique nature of cybersecurity threats, vulnerabilities, and mitigation strategies, owners and operators must ensure that use of ASP includes those items specific to each facility and OCS facility. The Coast Guard will evaluate each ASP's cybersecurity component to ensure full regulatory compliance with each applicable requirement. The owners and operators will not be required to submit separate Plans to the Coast Guard and will be able to include a Cybersecurity Plan as part of an approved ASP.

To further reduce the burden for impacted entities, the Coast Guard has extended the compliance deadline for the required Cybersecurity Assessment from 12 months to 24 months, and the compliance deadline for the Cybersecurity Plan from after the second annual audit of the existing physical security plan to 24 months.

Does the Coast Guard provide credit, equivalence, or exemption to owners and operators of small entities who already have similar structures in place to comply with these regulations?

The Coast Guard does not provide a blanket credit, equivalence, or exemption based on a regulated entity's compliance with similar regulations or requirements. An owner or operator of a facility or an OCS facility may use those structures to inform their Cybersecurity Assessment, Cybersecurity Plan, and compliance with this final rule and, as needed, may follow the procedures in § 101.665 to request a waiver or equivalence determination.

When compliance with similar or parallel regulations or requirements is the basis for an owner or operator to request a waiver, the Coast Guard notes that the owner or operator must still detail the portions of the Coast Guard's regulation they meet, and the specific measures taken under that similar or parallel compliance when requesting a waiver or equivalency. An owner or operator simply stating that they are complying with equivalent measures does not provide the Coast Guard with enough information to ensure regulatory compliance.

### What are the responsibilities of owners and operators of small entities if some systems on board the facility are fully managed by the system vendor?

Owners and operators are ultimately responsible for the systems and equipment at their facility or OCS facility. They should work with vendors to identify what security measures are in place that could meet the requirements of these regulations, or how they will adjust to ensure systems and equipment are secured.

### What types of grants are available for small entities?

The Coast Guard will seek to work with the Federal Emergency Management Agency (FEMA) to further highlight cybersecurity through the FEMA-administered Port Security Grant Program. Because we do not manage that program, we cannot make any representation about future prioritization of grant funds. As noted in FEMA's Fiscal Year 2024 Notice of Funding Opportunity for this program, all entities subject to an Area Maritime Transportation Security Plan, as defined by 46 U.S.C. 70103(b), may apply for program funding.<sup>1</sup> Eligible applicants include but are not limited to port authorities, facility operators, and State, local, and territorial government agencies. FEMA identified enhancing cybersecurity as a key priority for Fiscal Year 2024. Please visit <https://www.fema.gov/grants/preparedness/port-security> for additional information.

### What is the timing of this final rule's requirements?

This final rule is effective July 16, 2025.

### Immediately upon the effective date of this final rule:

- Entities that have not reported to the Coast Guard pursuant to, or are not subject to, 33 CFR 6.16-1 begin ensuring that all reportable cyber incidents are reported to the NRC per § 101.620(b)(7).

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<sup>1</sup> See FEMA, "The U.S. Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2024 Port Security Grant Program," April 16, 2024, <https://www.fema.gov/print/pdf/node/676012>, accessed October 23, 2024.



Within 6 months from the effective date of this final rule and annually thereafter:

- All personnel must complete the training specified in § 101.650(d)(1)(ii) through (v) that includes recognition and detection of cybersecurity threats and all types of cyber incidents, techniques used to circumvent cybersecurity measures, procedures for reporting a cyber incident to the CySO, and operational technology (OT)-specific cybersecurity training (for all personnel whose duties include using OT).
- Key personnel (for example, personnel with access to information technology (IT) or remotely accessible OT systems, including contractors, whether part-time, full-time, temporary, or permanent) must also complete the training specified in § 101.650(d)(2) about their roles and responsibilities during a cyber incident and response procedure and how to maintain current knowledge of changing cybersecurity threats and countermeasures.

Within 24 months from the effective date of this final rule:

- Owners and operators must designate, in writing, the CySO per § 101.620(b)(3) and (c)(1).
- Owners and operators must submit the Cybersecurity Plan to the Coast Guard for approval within 24 months of the effective date of this final rule per § 101.655.
- Owners and operators must conduct the Cybersecurity Assessment within 24 months of the effective date of this final rule and annually thereafter (or sooner than annually if there is a change in ownership) per § 101.650(e)(1).

After receiving approval of the Cybersecurity Plan:

- Owners and operators must conduct cybersecurity drills at least twice each calendar year.
- Owners and operators must also conduct cybersecurity exercises at least once each calendar year with no more than 18 months between cybersecurity exercises per § 101.635(b)(1) and (c)(1).
- Each owner or operator must ensure that the cybersecurity portion of their Plan and penetration test results are available to the Coast Guard upon request per § 101.660.
- All personnel must complete the training specified in § 101.650(d)(1)(i) within 60 days of receiving approval of the Cybersecurity Plan.

We want to assist small entities in understanding this final rule so they can better evaluate its effects on them. If this final rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please email [MTSCyberRule@uscg.mil](mailto:MTSCyberRule@uscg.mil) or call Commander Brandon Link, Office of Port and Facility Compliance at 202-372-1107.





## The U.S. Coast Guard Cybersecurity Regulations for the Marine Transportation System

### Small Entity Compliance Guide for MTSA-regulated U.S.-Flagged Vessels

Docket: To view documents mentioned in the final rule as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), type USCG-2022-0802 in the search box, and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

For further information about this document, email [MTSCyberRule@uscg.mil](mailto:MTSCyberRule@uscg.mil) or call Commander Christopher Rabalais, Office of Design and Engineering Standards at (202) 372-1375.

For additional cybersecurity resources visit the Coast Guard Maritime Industry Resource Center at <https://www.uscg.mil/MaritimeCyber/>.

### The Basics of the Rule

The Coast Guard is updating its maritime security regulations by establishing minimum cybersecurity requirements for U.S.-flagged vessels, Outer Continental Shelf facilities, and facilities subject to the Maritime Transportation Security Act of 2002 (MTSA) regulations. This final rule addresses current and emerging cybersecurity threats in the marine transportation system by adding minimum cybersecurity requirements to help detect risks and respond to and recover from cybersecurity incidents. These include requirements to develop and maintain a Cybersecurity Plan, designate a Cybersecurity Officer, and take various measures to maintain cybersecurity within the marine transportation system.

We formulated minimum cybersecurity requirements that may assist firms and regulated entities with their cybersecurity posture in an effort to reduce the likelihood, vulnerability, and risk of a cyber incident. If a cyber incident occurs, the Coast Guard believes that the minimum

cybersecurity requirements will mitigate its impact on firms, and regulated entities, and the U.S. economy, and create the intended benefits for the regulated entities.

### The Components of Cybersecurity in the Marine Transportation System

#### 33 CFR Subchapter F

- 101.600 Purpose.
- 101.605 Applicability.
- 101.610 Federalism.
- 101.615 Definitions.
- 101.620 Owner or operator.
- 101.625 Cybersecurity officer.
- 101.630 Cybersecurity plan.
- 101.635 Drills and exercises.
- 101.640 Records and documentation.
- 101.645 Communications.
- 101.650 Cybersecurity measures.
- 101.655 Cybersecurity compliance dates.
- 101.660 Cybersecurity compliance documentation.
- 101.665 Noncompliance, waivers, and equivalents.
- 101.670 Severability.

### Frequently Asked Questions

#### Am I covered by this final rule?

You are covered by this rule if you are an owner or operator of a U.S.-flagged vessel required to have a security plan under title 33, Code of Federal Regulations (CFR), part 104. This final rule does not apply to foreign-flagged vessels subject to 33 CFR part 104.

#### What are my cyber incident reporting responsibilities as a small entity?

This final rule did not create new cyber incident reporting requirements if you are an owner or operator of a U.S.-flagged vessel subject to 33 CFR part 6. 33 CFR 6.16-1 mandates the reporting of “evidence of sabotage, subversive activity, or an actual or threatened cyber incident[s] involving or endangering any vessel, harbor, port, or waterfront facility” to the Federal Bureau of Investigation (FBI), the Cybersecurity and Infrastructure Security Agency (CISA), and the Captain of the Port (COTP) or their respective representatives.

To avoid duplicative reporting from the same entity, the requirement to report under this rule does not apply if the entity has reported the cybersecurity incident to the Coast Guard under 33 CFR 6.16-1.

### Background on “cyber incident” and “reportable cyber incident” reporting requirements:

On February 21, 2024, Executive Order 14116 on Amending Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States amended 33 CFR part 6. Among other provisions, it added a definition for “cyber incident” and created a requirement to report evidence of an actual or threatened cyber incident involving or endangering any vessel, harbor, port, or waterfront facility to the Coast Guard, the FBI, and the CISA. The broad applicability of 33 CFR part 6 and the new definition of a cyber incident created an overlap with existing MTS reporting requirements.

Cyber incident means an occurrence that actually jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system, or actually jeopardizes, without lawful authority, an information system.

On January 17, 2025, the Coast Guard updated its maritime security regulations by establishing minimum cybersecurity requirements for U.S.-flagged vessels, facilities, and Outer Continental Shelf (OCS) facilities subject to MTS regulations. Among other provisions, it added a definition for “reportable cyber incident” and created a requirement for entities that have not reported to the Coast Guard pursuant to, or are not subject to, 33 CFR 6.16-1, to report all reportable cyber incidents to the NRC per § 101.620(b)(7).

Reportable cyber incident means an incident that leads to or, if still under investigation, could reasonably lead to any of the following: (1) Substantial loss of confidentiality, integrity, or availability of a covered information system, network, or operational technology (OT) system; (2) Disruption or significant adverse impact on the reporting entity’s ability to engage in business operations or deliver goods or services, including those that have a potential for significant impact on public health or safety or may cause serious injury or death; (3) Disclosure or unauthorized access directly or indirectly of nonpublic personal information of a significant number of individuals; (4) Other potential operational disruption to critical infrastructure systems or assets; or (5) Incidents that otherwise may lead to a transportation security incident as defined in 33 CFR 101.105.

### Are there waivers or equivalents to this final rule for small entities?

Yes, per § 101.665, an owner or operator, after completing the required Cybersecurity Assessment, may seek a waiver or an equivalence determination for the requirements in subpart F consistent with the waiver and equivalence provisions in 33 CFR 104.130, 104.135, and 104.140. The submission of a request for an alternative, equivalent, or waiver does not relieve owners or operators from submitting a Cybersecurity Plan.

#### § 104.130 Waivers.

Any vessel owner or operator may apply for a waiver of any requirement of this part that the owner or operator considers unnecessary in light of the nature or operating conditions of the vessel. A request for a waiver must be submitted in writing with justification to the Commandant (CG-5P), Attn: Assistant Commandant for Prevention Policy, U.S. Coast Guard Stop 7501, 2703 Martin Luther

King Jr. Avenue SE., Washington, DC 20593-7501. The Commandant (CG-5P) may require the vessel owner or operator to provide additional data for determining the validity of the requested waiver. The Commandant (CG-5P) may grant, in writing, a waiver with or without conditions only if the waiver will not reduce the overall security of the vessel, its passengers, its crew, or its cargo, or facilities or ports that the vessel may visit.

### What are the requirements for Waiver submissions for small entities?

- Waivers should be submitted on signed formal correspondence.
- Waivers should include:
  - Specific Requirement(s) requested to be waived
  - Justification for how relevant requirement is not relevant or does not enhance vessel cybersecurity
  - Inventories and network diagrams as applicable
  - Relevant sections of the risk assessment which capture mitigating and/or aggravating circumstances
  - Name and official number of the vessel for which the waiver is being requested

#### § 104.135 Equivalent.

For any measure required by part 104 of this subchapter, the owner or operator may substitute an equivalent security measure that has been approved by the Assistant Commandant for Prevention Policy (CG-5P) as meeting or exceeding the effectiveness of the required measure. CG-5P may require that the owner or operator provide data for use in assessing the effectiveness of the proposed equivalent security measure.

(a) For any measure required by part 104 of this subchapter, the owner or operator may substitute an equivalent security measure that has been approved by CG-5P as meeting or exceeding the effectiveness of the required measure. The CG-5P may require that the owner or operator provide data for use in assessing the effectiveness of the proposed equivalent security measure.

(b) Requests for approval of equivalent cybersecurity measures should be emailed to the Marine Safety Center at [msc@uscg.mil](mailto:msc@uscg.mil) in a password-protected attachment.

### What documents constitute equivalence submissions?

- Requests for approval of equivalent cybersecurity measures should be submitted on signed formal correspondence.
- Requests should include:
  - Specific Requirement(s) requested for equivalency
  - Justification of the proposed equivalency
  - Comparison on how the alternative complies with the intent of the final rule provisions
  - Supporting documents

#### § 104.140 Alternative Security Program (ASP).

A vessel owner or operator may use an Alternative Security Program (ASP) as approved under § 101.120 of this subchapter if:

- (a) The Alternative Security Program is appropriate to the class of vessels;

- (b) The vessel is not subject to the International Convention for Safety of Life at Sea, 1974; and
- (c) The Alternative Security Program is implemented in its entirety.

ASP provisions apply to cybersecurity compliance documentation. A Cybersecurity Plan may be part of an approved ASP. For U.S.-flagged vessels, ASPs are submitted for approval to CG-5P.

**Does the Coast Guard provide credit, equivalence, or exemption to owners and operators of small entities who already have similar structures in place to comply with these regulations?**

The Coast Guard does not provide a blanket credit, equivalence, or exemption based on a regulated entity's compliance with similar regulations or requirements. An owner or operator of a U.S.-flagged vessel may use those structures to inform their Cybersecurity Assessment, Cybersecurity Plan, and compliance with this final rule and, as needed, may follow the procedures in § 101.665 to request a waiver or equivalence determination.

When compliance with similar or parallel regulations or requirements is the basis for an owner or operator to request a waiver, the Coast Guard notes that the owner or operator must still detail the portions of the Coast Guard's regulation they meet, and the specific measures taken under that similar or parallel compliance when requesting a waiver or equivalency. An owner or operator simply stating that they are complying with equivalent measures does not provide the Coast Guard with enough information to ensure regulatory compliance.

**What is the timing of this final rule's requirements?**

This final rule is effective July 16, 2025.

**Immediately upon effective date of this final rule:**

- Entities that have not reported to the Coast Guard pursuant to, or are not subject to, 33 CFR 6.16-1 begin ensuring that all reportable cyber incidents are reported to the National Response Center (NRC) per § 101.620(b)(7).

**Within 6 months from the effective date of this final rule and annually thereafter:**

- All personnel (personnel with access to the IT or OT systems, including contractors, whether part-time, full-time, temporary, or permanent) must complete the training specified in § 101.650(d)(1)(ii) through (v) that includes recognition and detection of cybersecurity threats and all types of cyber incidents, techniques used to circumvent cybersecurity measures, procedures for reporting a cyber incident to the CySO, and operational technology (OT)-specific cybersecurity training (for all personnel whose duties include using OT).
- Key personnel (personnel with access to the information technology (IT) or remotely accessible OT systems, including contractors, whether part-time, full-time, temporary,

or permanent) must also complete the training specified in § 101.650(d)(2) about their roles and responsibilities during a cyber incident and response procedure and how to maintain current knowledge of changing cybersecurity threats and countermeasures.

### **Within 24 months from the effective date of this final rule**

- Owners and operators must designate, in writing, the CySO per § 101.620(b)(3) and (c)(1).
- Owners and operators must submit the Cybersecurity Plan to the Coast Guard for approval within 24 months of the effective date of this final rule per § 101.655.
- Owners and operators must conduct the Cybersecurity Assessment within 24 months of the effective date of this final rule and annually thereafter (or sooner than annually if there is a change in ownership) per § 101.650(e)(1).

### **After receiving approval of the Cybersecurity Plan**

- Owners and operators must conduct cybersecurity drills at least twice each calendar year.
- Owners and operators must also conduct cybersecurity exercises at least once each calendar year with no more than 18 months between cybersecurity exercises per § 101.635(b)(1) and (c)(1).
- Each owner or operator must ensure that the cybersecurity portion of their Plan and penetration test results are available to the Coast Guard upon request per § 101.660.
- All personnel must complete the training specified in § 101.650(d)(1)(i) within 60 days of receiving approval of the Cybersecurity Plan.

We want to assist small entities in understanding this final rule so that they can better evaluate its effects on them. If this final rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please email [MTSCyberRule@uscg.mil](mailto:MTSCyberRule@uscg.mil) or call Commander Christopher Rabalais, Office of Design and Engineering Standards at 202-372-1375.





### Agenda Item 7A-10: FCP Testing Route Concerns

**From:** [Garfinkle, Allen@BOPC](mailto:Garfinkle, Allen@BOPC)  
**To:** [Sanford, Clark W LCDR USCG SEC SAN FRAN \(USA\)](#); [W Benedict](#)  
**Cc:** [Pohl, Krysia V CDR USCG \(USA\)](#); [Paul Ruff](#)  
**Subject:** RE: [Non-DoD Source] Re: FCP Testing/Route concerns  
**Date:** Thursday, March 20, 2025 2:51:00 PM

---

Good day LCDR Sanford,

Thank you to you and the other participants in yesterday's meeting. I appreciate the collaboration you have provided to addressing the concerns of our pilots and trainees and look forward to mutually beneficial solutions that further safety on the Bay.

Respectfully,

Allen G.

[Allen Garfinkle](#)  
*Executive Director*

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
660 Davis Street, San Francisco, California 94111

Phone: 415-397-2253

---

**From:** Sanford, Clark W LCDR USCG SEC SAN FRAN (USA) [REDACTED]  
**Sent:** Thursday, March 20, 2025 2:48 PM  
**To:** W Benedict [REDACTED]  
**Cc:** Pohl, Krysia V CDR USCG (USA) [REDACTED]; Paul Ruff [REDACTED];  
Garfinkle, Allen@BOPC [REDACTED]  
**Subject:** RE: [Non-DoD Source] Re: FCP Testing/Route concerns

Good Afternoon Captain Benedict,

Pleasure meeting you yesterday and thanks again for meeting with all of us to discuss and clarify the SFBAR Pilot's concerns. I think it was a productive meeting and we gained further insight why some of the items contained in the updated Instruction could warrant consideration for changes.

Next steps on CG side: I still need to brief CDR Pohl regarding our meeting and get her input on everything discussed. I foresee some back-and-forth work with Rich (REC Oakland) to come up with recommended changes for consideration. Then some back-and-forth review between CG and SFBP. Once everyone has had time to thoroughly review any recommended changes, we can move forward with routing it for OCMI consideration.

## [JUMP TO AGENDA](#)

Thank you.

Kind Regards,

Clark

Clark Sanford, LCDR  
Chief, Waterways Management Division  
U.S. Coast Guard  
Sector San Francisco  
[REDACTED] (mobile)  
[REDACTED] (teams)

---

**From:** W Benedict [REDACTED]  
**Sent:** Monday, March 17, 2025 5:13 PM  
**To:** Sanford, Clark W LCDR USCG SEC SAN FRAN (USA) [REDACTED]  
**Cc:** Pohl, Krysia V CDR USCG (USA) [REDACTED]; Paul Ruff [REDACTED];  
[REDACTED]  
**Subject:** [Non-DoD Source] Re: FCP Testing/Route concerns

Chief Sanford,

Please see attached PDF with concerns and requests for modification. There is a good reason for each request and available to discuss. I think it might be best to meet on these concerns. I live here in the East Bay and work a week on week off schedule. Even on my work weeks I have time during the day. Thank you for your time.

Regards,

Will Benedict

## [JUMP TO AGENDA](#)

> On Mar 17, 2025, at 11:25 AM, WBenedict [REDACTED] wrote:

>

> Good Morning Chief Sanford,

>

> My name is Will Benedict and I'm a pilot with the San Francisco Bar Pilots and well as a newly appointed Commissioner with Board of Pilot Commissioners for the State. Captain Paul Ruff and I finishing up a list of concerns with the current FCP testing process as well as the changes to the "routes". I will have that info to you by the end of the day and would like to set up a meeting that we could possibly discuss our concerns. Appreciate the time.

>

> Regards,

>

> Will Benedict

## Agenda Item 7C: Report on Board Surcharges

### Agenda Item 7C-01: February 2025 Surcharge Revenue



SAN FRANCISCO BAR PILOTS ASSOCIATION  
Pier 9 East End  
San Francisco, CA 94111

February 5, 2024

Re: Monthly Pilot Accounts for February 2025; H&N 1136(b) and Civil Code 2015.5

Dear Executive Director Garfinkle:

I intend to wire funds to the Board of Pilot Commissioners representing Board surcharges collected for the Month of February 2025, in the amount of \$790,539.44 comprising the following surcharge amounts:

• Pilot Commission Fees (4172500001)	\$ 195,991.01
• Pilot Training Surcharge (4172500002)	\$ 23,775.00
• Trainee Surcharge (4172500003)	\$ 61,180.00
• Pilot Boat Surcharge (4172500005)	\$ 509,593.43

I certify under penalty of perjury under the laws of the State of California that the foregoing accounts of all monies or other compensation received by the San Francisco Bar Pilots Association as a result of pilotage services, and all surcharges received by the San Francisco Bar Pilots Association pursuant to the mandates of the California Harbors and Navigation Code, are true and correct.

Please provide approval to wire the above-referenced funds.

Sincerely,



Jeff Ho  
Interim Controller  
San Francisco Bar Pilots  
Pier 9 East End  
San Francisco, CA 94111

enc. February 2025 Cash Summary Report

## Agenda Item 7C-02: February 2025 Wire Approval

**From:** [Garfinkle, Allen@BOPC](mailto:Garfinkle,Allen@BOPC)  
**To:** [Jeff Ho](#)  
**Cc:** [Anne McIntyre](#); [REDACTED]; [Muniz, Clara@CHP](mailto:Muniz,Clara@CHP); [Lukban, Josephine@CHP](mailto:Lukban,Josephine@CHP); [Wong, Alethea@BOPC](#); [Millspaugh, Matthew@BOPC](mailto:Millspaugh,Matthew@BOPC); [Shepherd, Greg@BOPC](mailto:Shepherd,Greg@BOPC)  
**Subject:** FW: Feb 2025 BOPC Monthly Surcharges  
**Date:** Wednesday, March 5, 2025 2:37:42 PM  
**Attachments:** [Outlook-vfdaebb4.png](#)  
[SUMMARY CASH 2025-02-28 03032025-170755.pdf](#)  
[02\\_FEB"25 BOPC MONTHLY SURCHARGE REVENUES.pdf](#)

---

Good day Jeff,

I approve the wire transfer of the February surcharges in the amount of \$790,539.44.

Respectfully,

Allen G.

*Allen Garfinkle*  
*Executive Director*

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
660 Davis Street, San Francisco, California 94111

[REDACTED]  
Phone: 415-397-2253  
[REDACTED]

---

**From:** Jeff Ho [REDACTED]  
**Sent:** Wednesday, March 5, 2025 1:52 PM  
**To:** Garfinkle, Allen@BOPC [REDACTED] BOPC Board of Pilot Commissioners  
<bopc@bopc.ca.gov>  
**Cc:** Millspaugh, Matthew@BOPC [REDACTED]  
**Subject:** Feb 2025 BOPC Monthly Surcharges

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Hi Allen,

Please review and approve.

Thank you!

Jeff

*Jeffrey Ho*

*Interim Controller*

**San Francisco Bar Pilots**

Pier 9 East End

San Francisco, CA 94111

**Phone:** [REDACTED]

**Mobile:** [REDACTED]


**Email:** [REDACTED]



**CONFIDENTIALITY NOTICE:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, you are hereby notified that any review, use, dissemination, distribution, or copying of this message, or any attachments, is strictly prohibited, and that you should contact the sender by replying to this email and delete all copies of the original message along with any attachments

## JUMP TO AGENDA

### Agenda Item 7C-03: February 2025 Summary Cash

	<p>SAN FRANCISCO BAR PILOTS</p> <p>PIER 9 EAST END, SAN FRANCISCO, CA 94111</p> <p>Dispatcher: <span style="background-color: black; color: black;">[REDACTED]</span> Accounts: <span style="background-color: black; color: black;">[REDACTED]</span> Email: <span style="background-color: black; color: black;">[REDACTED]</span></p>
---	--

**From 02/01/2025 to 02/28/2025**

#### 03/03/2025 Summary Cash Applied Report

Status: Deposited

Moves	Descr	Tons	Draft Ft	Total Cash
190	INWARD PILOTAGE	11,746,795.00	6,075.76	1,201,140.94
204	OUTWARD PILOTAGE	12,519,553.00	6,342.27	1,280,206.57
394	<b>TOTAL PILOTAGES</b>	24,266,348.00	12,418.03	<b>2,481,347.51</b>
124	BAY MOVES			312,500.00
0	MISCELLANEOUS CHARGES			399,762.31
46	RIVER MOVES			230,000.00
564	<b>TOTAL GROSS PILOTAGES</b>	24,266,348.00	12,418.03	<b>3,423,609.82</b>
0	NAV TECH SURCHARGE			0.00
563	PILOT COMMISSION CHARGE			195,991.01
543	PILOT TRAINING SURCHARGE			23,775.00
394	STATUTORY PENSION RATE			1,067,726.89
543	TRAINEE SURCHARGE			61,180.00
0	PILOT BOAT MAINTENANCE			0.00
0	PILOT DISPATCH SYSTEM			0.00
149	TEMPORARY TRANSIT FEE - BAY MOVE			126,650.00
190	TEMPORARY TRANSIT FEE - INBOUND			161,500.00
204	TEMPORARY TRANSIT FEE - OUTBOUND			173,400.00
394	PILOT VESSEL CONSTRUCTION SURCHARGE			509,593.43
<b>TOTAL</b>				<b>5,743,426.15</b>



[JUMP TO AGENDA](#)

**Agenda Item 7E: Report on legislative activities and contractual matters**

[JUMP TO AGENDA](#)

**Agenda Item 8: Port Agent's Report**

**Agenda Item 8A: Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences**

**Port Agent Report to BOPC  
March 27, 2025**

**ABSENT FOR MEDICAL REASONS (AFMR) REPORT:**

- Captain Cvitanovic since February 14, 2025
- Captain Lingo since March 12, 2025
- Captain Long since March 19, 2025

**RECOMMENDED MINIMUM REST PERIOD EXCEPTIONS:**

We continually monitor the dispatch list for possible 12 h MRP exceptions. If the potential exception is likely to result in a rest period of less than 10 hours mitigating measures are employed. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings or committee assignments, cancelling previously granted comp time requests, deferring scheduled training sessions, or calling in off-watch pilots.

**FATIGUE RISK MITIGATION REPORT: There are currently 51 licensees on the SFBP Roster.**

**Work period in excess of 12 hours**

There were 16 occurrences, 1 occurrence over 14 hrs and the maximum period was 14.8 hrs.

**Night work period in excess of 10 hours without rest opportunity**

There were no occurrences.

**Night-time hours in excess of 18 hours in a 72-hour period**

There were no occurrences.

**Rest periods of less than 12 hours (MRPs)**

There were 6 occurrences, and the minimum period was 10 hrs.

**PILOT BOAT REPORT:**

**PV California:**

Ops normal

**PV Drake:**

Vessel in shipyard since 10/7.

**PV Golden Gate:**

Ops normal.

**PV Pittsburg:**

Ops normal.

**PV San Francisco:**

Ops normal.

**BILLED VESSEL MOVES FOR February 2025:**

Bar X's:390 Bay Moves: 126 River Moves:37 Total Moves:553

- GRT: 23.3M

When comparing 2025 vessel move data with the same period in 2024, total moves were down 7.6% and GRT is down 6.8%.

Respectfully Submitted,

[REDACTED]

Captain John Carlier  
Port Agent

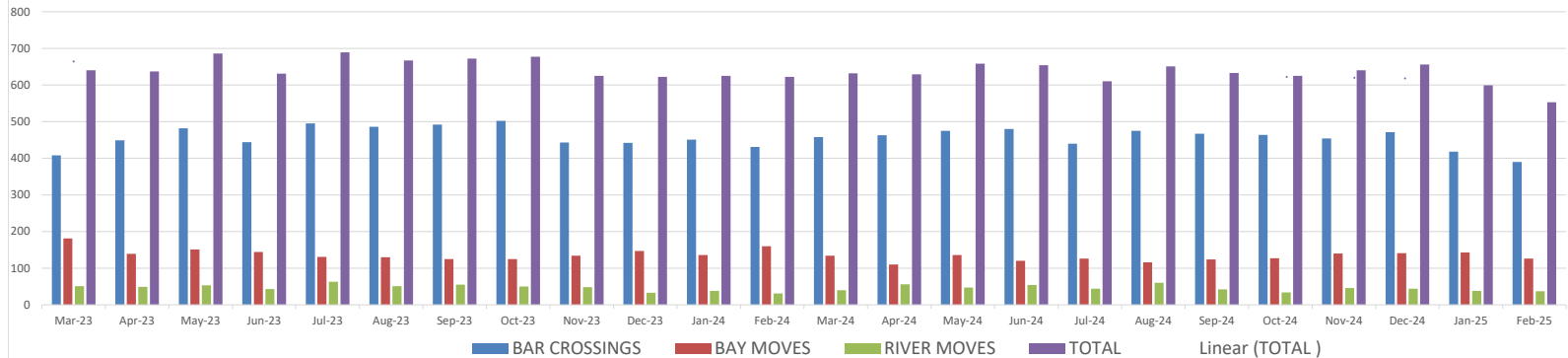
## JUMP TO AGENDA

### Agenda Item 8B: Monthly report on SFBP ship piloting business activity

#### SAN FRANCISCO BAR PILOTS ROLLING 24 MONTHS - SHIP MOVEMENTS

	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	TOTAL Rolling 12 MOS
BAR CROSSINGS	408	449	482	444	495	486	492	502	443	442	451	431	458	463	475	480	440	475	467	464	454	471	418	390	5,455
BAY MOVES	181	139	151	144	131	130	125	125	134	147	136	160	134	110	136	120	126	116	124	127	140	141	143	126	1,543
RIVER MOVES	51	49	53	43	63	51	55	50	48	33	38	31	40	56	47	54	44	60	42	34	46	44	38	37	542
<b>TOTAL</b>	<b>640</b>	<b>637</b>	<b>686</b>	<b>631</b>	<b>689</b>	<b>667</b>	<b>672</b>	<b>677</b>	<b>625</b>	<b>622</b>	<b>625</b>	<b>622</b>	<b>632</b>	<b>629</b>	<b>658</b>	<b>654</b>	<b>610</b>	<b>651</b>	<b>633</b>	<b>625</b>	<b>640</b>	<b>656</b>	<b>599</b>	<b>553</b>	<b>7,540</b>

ROLLING 24 MONTHS - BAR CROSSINGS, BAY AND RIVER MOVES



**CONFIDENTIAL**

[JUMP TO AGENDA](#)

**Agenda Item 8C: Monthly confidential written report of licensed pilots who have been Absent for Medical Reasons (AFMR)**

**CONFIDENTIAL**

## Agenda Item 8D: Monthly SFBP Fatigue Report



### SAN FRANCISCO BAR PILOTS ASSOCIATION

Pier 9 East End  
San Francisco, CA 94111

March 11, 2025

To: President Karen Tynan, CA Board of Pilot Commissioners  
*Via Email*

From: Capt. John Carlier, Port Agent

**Subject: 7 CCR 218.1 Fatigue Risk Management Reporting**

Dear President Tynan,

Below please find the remaining Fatigue Risk Management Reporting Data for the period October 2024-January 2025.

**Work period in excess of 12 hours**

The Port Agent shall report monthly in writing to the Board instances of work periods in excess of 12 hours. A work period is defined as Ride to BoB (bottom of dispatch rotation).

Month	Occurrences	Over 14 Hours	Maximum Period (Hours)
October 2024	19	0	13.72
November 2024	23	1	15.18
December 2024	24	4	16.58
January 2025	19	1	15.25

**Night work period in excess of 10 hours without rest opportunity**

The Port Agent shall report monthly in writing to the Board instances of night work periods in excess of 10 hours without a rest opportunity on the offshore station boat between assignments. A night period is all or any part of the hours between 0000-0600. A rest opportunity is having 2 or more hours on the pilot boat between jobs as per current FRMS.

Month	Occurrences	Maximum Period (Hours)
October 2024	0	n/a
November 2024	0	n/a
December 2024	0	n/a
January 2025	0	n/a

**Night-time hours in excess of 18 hours in a 72-hour period**

Pilots are limited to a maximum of 18 night-time hours worked in any 72-hour period. The Port Agent shall report monthly in writing to the Board the number of assignments made in which a pilot was assigned to work in a night work period that included a night-time hour worked prior 0800 of the calendar day next following the calendar day on which the 18-hour limit was reached. A nighttime hour is any portion of an hour between 0000-0600.

Month	Occurrences	Maximum Period (Hours)
October 2024	0	n/a
November 2024	0	n/a
December 2024	0	n/a
January 2025	0	n/a

Moving forward, this data will be included in the monthly BOPC Port Agent Report.

Sincerely,



Capt. John Carlier  
Port Agent



**Agenda Item 9: Pilot Evaluation Committee**

**Agenda Item 9A: Report on the Pilot Evaluation Committee (PEC) meeting held on March 19, 2025**

PEC(Pilot Evaluation Committee) Chairmans Report to the BOPC  
(Board of Pilot Commissioners)

March 19<sup>th</sup>, 2025

The Pilot Evaluation Committee met on March 19<sup>th</sup>, 2025. The members present were Captains Slack, Bridgman, Stultz and Ruff. Captain Garfinkle joined in open session. Items talked, CMA's operator availability or lack thereof. Allen confirmed the facilities at CMA will be available to host our next round of exams. I attended a meeting with USCG waterways, Oak RE and Captain Benedict at station YB to discuss FCP testing and possible revisions or revert to earlier guidelines that worked better, not just for BOPC trainees but for anyone seeking this endorsement. Carl Johnson and jury summons was also discussed, if selected we could pause training until he can return, much like an injury.

Agenda item A:

There are six trainees including Barron, Gallo, Johnson & Johnston, Thinger and Ahrens. The trainees' time in the program ranges from 3 months to 19 months. All trainees are getting trips to obtain their FCP (first class pilotage) endorsement for unlimited tonnage upon San Francisco Bay. They are observing, part handling and handling under the direct supervision of a licensed San Francisco Bar Pilot. Trainees Barron and Gallo have completed their FCP testing and are

fully licensed unlimited FCP for SFB, the four remaining trainees are testing various routes in the area. In closed session, all trainees were individually interviewed and counseled on their progress. Time was spent answering any questions or concerns. As of now, all trainees are meeting the recommended benchmarks and are progressing at their own pace. Captain Barron completed his first month in EVAL status with no pilot intervention or coaching needed. The next PEC meeting is scheduled for Wednesday, April 16, 2025, 0730 in this office

Agenda item B: Probation or dismissal

No action currently

Agenda item C: Completing training program

No action currently

Agenda item D: Issue state license

No action currently

Respectfully given, Captain Paul Ruff

## [JUMP TO AGENDA](#)

### Agenda Item 13: Incident Review Committee (IRC) — Reportable Piloting Events

#### Agenda Item 13A: Progress report regarding the September 25, 2024, event involving the bulk carrier M/V KONA TRADER

Incident Review Committee Report  
Board Meeting: March 27, 2025

#### INVESTIGATION STATUS REPORT

##### EVENT

On September 25, 2024, KONA TRADER made unintentional contact with a pier at the Port of Stockton. There was reported damage to the pier structure, but no damage to the vessel.

##### TIMELINE

Investigation Activities	Date	Days Elapsed
Ship Event	9/25/2024	0
Incident Reported to Executive Director	9/25/2024	0
Commission Investigator Dispatched	9/26/2024	1
<b>90-day Statutory Deadline</b>	<b>12/23/2024</b>	<b>90</b>
<b>March Board meeting</b>	<b>3/27/2025</b>	<b>184</b>
<b>April Board meeting</b>	<b>4/24/2025</b>	<b>212</b>

##### STATUS

The Incident Review Committee (IRC) is in the process of finalizing this report. Certain stakeholders requested that the Board delay presentation of this report until the April meeting, therefore the IRC requests an extension to present the report at the April 2025 Board meeting.

##### IRC COMMITTEE MEMBERS

Joanne Hayes-White, Committee Chair (Public Board Member)  
Allen Garfinkle, Executive Director

## [JUMP TO AGENDA](#)

### Agenda Item 13B: Progress report regarding the October 14, 2024, event involving the Motor Tanker (M/T) PLATANOS

Incident Review Committee Report  
Board Meeting: March 27, 2025

#### INVESTIGATION STATUS REPORT

##### EVENT

On October 14, 2024, M/T PLATANOS made unintentional contact with the pier at Shell Martinez. There was reported damage to the hull of the ship, but no reported damage to the pier.

##### TIMELINE

Investigation Activities	Date	Days Elapsed
Ship Event	10/14/2024	0
Incident Reported to Executive Director	10/14/2024	0
Commission Investigator Dispatched	10/15/2024	1
<b>90-day Statutory Deadline</b>	<b>1/11/2025</b>	<b>90</b>
<b>March Board meeting</b>	<b>3/27/2025</b>	<b>165</b>
<b>April Board meeting</b>	<b>4/24/2025</b>	<b>193</b>

##### STATUS

The Incident Review Committee (IRC) is investigating this event and requests an extension to present the report at the April 2025 Board meeting.

##### IRC COMMITTEE MEMBERS

Joanne Hayes-White, Committee Chair (Public Board Member)  
Allen Garfinkle, Executive Director

**Agenda Item 16: Review and discussion of revisions to the Board's Conflict of Interest Code**

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**BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF  
SAN FRANCISCO, SAN PABLO, AND SUISUN**

**EXPRESS TERMS**

Title 7. Harbors and Navigation  
Division 2. State Board of Pilot Commissioners for the Bays of  
San Francisco, San Pablo and Suisun  
Article 3. Officers, Committees, Employees

The proposed amendments to existing text are shown in underline to indicate additions and strikeout to show deletions. All other text remains unchanged.

Amend Section 212.5 of Title 7, California Code of Regulations to read as follows:

**§ 212.5 Conflict of Interest Code.**

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard conflict-of-interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2, California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the conflict-of-interest code of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board).

~~Individuals holding designated positions shall file statements of economic interests with the Board, which will make the statements available for public inspection and reproduction. (Govt. Code Sec. 81008.) Upon receipt of the statement of the Executive Director and Board Members, the Board shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission. All other statements will be retained by the Board. Board Members, Ex-Officio Members, and the Executive Director must file their statements of economic interests electronically with the Fair Political Practices Commission. All other individuals holding designated positions must file their statements with the Board. All statements must be made available for public inspection and reproduction under Government Code Section 81008.~~

**NOTE:** Authority cited: Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

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### Appendix A Designated Positions

<i>Designated Positions</i>	<i>Disclosure Category</i>
Board Members, and Ex Officio Member, and Designees	1,2,3,4
Executive Director	1,2,3,4
Assistant Director	1,2,3,4
<u>Staff Services Manager I - Specialist</u>	<u>1,2,3,4</u>
<u>Administrative Assistant II - Associate Government Program Analyst</u>	<u>1,2,3,4</u>
Consultants/ <u>New Positions</u>	*

\* Consultants and individuals holding new positions classified as designated shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Executive Director may determine in writing that a particular consultant or individual in a new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's or an individual in a new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Govt. Code Sec. 81008.)

### **BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN**

#### **INITIAL STATEMENT OF REASONS**

#### **TITLE 7. HARBORS AND NAVIGATION DIVISION 2. STATE BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN ARTICLE 3. OFFICERS, COMMITTEES, EMPLOYEES**

#### **PROBLEM STATEMENT**

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) regularly updates its governing regulations to better reflect its structure, membership, and operations, as they evolve to meet the needs of the Board's stakeholders and the people of California. By adopting statewide best practices, the Board ensures that its processes are efficient and foster confidence and transparency in its operations. The proposed changes to the Board's 2010 Conflict of Interest Code (7 CCR § 212.5) update and clarify the list of Board positions that must file Statements of Economic Interests (Form 700s) with the Fair Political Practices Commission. Additionally, the proposed regulations modernize the process and format of these filings.

The proposed amendments explicitly add Ex Officio Members of the Board to the list of positions required to file Form 700s in Title 7 of the California Code of Regulations, section 212.5. Previously, Ex Officio Members were only referenced in this section's appendix (Appendix A). These members, who may have decision-making responsibilities similar to those of appointed Board members and the Executive Director, are now listed both in the text and the appendix alongside other Board positions. With these amendments, the designated Positions required to file economic interest statements electronically and directly with the Fair Political Practices Commission will be: 1) Board Members, 2) Ex Officio Members, and 3) the Executive Director.

The proposed amendments also update the list of Designated Positions in Appendix A of Title 7 of the California Code of Regulations, section 212.5. These changes align the Designated Positions list with the Board's current staffing by removing a defunct position and adding two new ones. In addition to these staffing-related changes, the proposed amendments also add a "New Positions" category to the Designated Positions list. This addition provides the Board and the Executive Director with the flexibility to account for future staffing needs without requiring further amendments.

The requirement to file Form 700s electronically and directly with the Fair Political Practices Commission does not apply to individuals in the following existing and new positions, who may file directly with the Board using the appropriate Fair Political Practices Commission form:



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Board Member Designees, the Assistant Director, Staff Services Manager I – Specialist, Associate Government Program Analyst, Consultants, and New Positions.

The proposed amendments also align the Board with statewide best practices, streamline processes, and enhance integrity. Per these amendments, individuals in certain designated positions (Board Members, Ex Officio Members, and the Executive Director) will now file their statements of economic interests electronically and directly with the Fair Political Practices Commission, rather than with the Board, and they will be required to file electronically. This change eliminates the need for inter-agency handoffs and fosters trust and transparency.

### **BENEFITS ANTICIPATED FROM REGULATORY ACTION**

The proposed regulation enhances transparency and accountability by ensuring that individuals in certain designated positions (Board Members, Ex Officio Members, and the Executive Director) file Form 700s electronically and directly with the Fair Political Practices Commission, making the process more efficient and information more accessible. Additionally, public access to these documents through the Fair Political Practices Commission fosters trust and confidence in the integrity of the Board's operations.

### **SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION**

#### **Section 212.5**

**The second paragraph** of this section is revised to delete “Individuals holding designated positions shall file statements of economic interests with the Board, which will make the statements available for public inspection and reproduction. (Govt. Code Sec. 81008.) Upon receipt of the statement of the Executive Director and Board Members, the Board shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission. All other statements will be retained by the Board.” The purpose and intent of this paragraph has been amended and enhanced with the revised content.

**The second paragraph** of this section is amended to add “Board Members, Ex-Officio Members, and the Executive Director must file their statements of economic interests electronically with the Fair Political Practices Commission. All other individuals holding designated positions must file their statements with the Board. All statements must be made available for public inspection and reproduction under Government Code Section 81008.”

These amendments clarify the Board-associated positions that must file Statements of Economic Interests with the Fair Political Practices Commission. These amendments also revise the filing process, requiring individuals in specific designated positions to file directly with the Fair Political Practices Commission, rather than with the Board. Finally, the amendments specify that Form 700s must be filed electronically by those in specified designated positions. Requiring individuals in specified designated Board positions to file their Form 700s directly with the Fair Political Practices Commission in a standardized electronic format streamlines the process, simplifies publication, and improves public transparency.

### Appendix A

**The table of “Designated Positions” in Appendix A** is revised to add a Board staff position that was not included in the current version. This is the “Staff Services Manager I – Specialist” position. This position has been added to the table to accurately represent the Board’s current staffing. This position has the same disclosure categories as all of the other positions in the table of “Designated Positions.”

**The table of “Designated Positions” in Appendix A** is revised to delete the “Administrative Assistant II” role. This position has been deleted from the table to accurately represent the Board’s current staffing.

**The table of “Designated Positions” in Appendix A** is revised to add a Board staff position that was not included in the current version. This is the “Associate Government Program Analyst” position. This position has been added to the table to accurately represent the Board’s current staffing. This position has the same disclosure categories as all of the other positions in the table of “Designated Positions.”

**The table of “Designated Positions” in Appendix A** is revised to add a “New Positions” category. The addition of this role allows the Board and Executive Director to comply with the Fair Political Practices Commission’s reporting requirements without the need for immediate regulatory action whenever a new position is created.

**The footnote text in Appendix A** has been amended to add “and individuals holding new positions classified as designated,” “or individual in a new position,” and “or an individual in a new position’s.” These amendments align the purpose and intent of the footnote with the new “New Positions” category added to the “Designated Positions” table.

The amended footnote now reads “Consultants and individuals holding new positions classified as designated shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Executive Director may determine in writing that a particular consultant or individual in a new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or an individual in a new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Govt. Code Sec. 81008.)”

### ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has concluded that the proposed regulations will not facilitate the creation or elimination of jobs within California, nor will they affect the creation or elimination of

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businesses within California or the expansion of businesses currently doing business within California.

**EVIDENCE SUPPORTING ECONOMIC IMPACT ASSESSMENT AND FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC EFFECT ON BUSINESS**

The proposed regulations have been assessed by the Board and determined to have no significant economic impact on businesses.

**DESCRIPTION OF REASONABLE ALTERNATIVES**

The Board has concluded that there are no reasonable alternatives to the proposed regulations.

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

660 Davis Street., San Francisco, CA 94111

Phone: (415) 397-2253 | Email: [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov) | [www.bopc.ca.gov](http://www.bopc.ca.gov)



### NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE BOARD OF PILOT COMMISSIONERS **DATE TO BE DETERMINED**

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict of Interest Code, section 212.5 (including Appendix A) of the California Code of Regulations, Title 7, Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

The Board's proposed amendments to its Conflict of Interest Code (7 CCR § 212.5) revises the list of Board member positions that must file Statements of Economic Interests (Form 700) to include the Ex Officio Board position, which is involved in the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. In addition, the proposed amendments modernize the process and format of Board position filings and updates the list of designated Board staff positions (as found in Appendix A) that must file a Form 700. The amendments carry out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

### PUBLIC HEARING

The Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, not later than 15 days before the close of the written comment period.

### WRITTEN COMMENT PERIOD

A comment period has been established commencing on **DATE TO BE DETERMINED** and closing on **DATE TO BE DETERMINED**. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board.

The written comment period closes at **5:00 p.m. on DATE TO BE DETERMINED**. The Board will only consider comments received at the Board office by that time. Submit comments to:

Mr. Matthew Millspaugh, Assistant Director  
Board of Pilot Commissioners for the Bays of  
San Francisco, San Pablo, and Suisun  
660 Davis Street  
San Francisco, California 94111

Comments may also be submitted by e-mail to [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov).

### **AUTHORITY AND REFERENCE**

Authority: Government Code (Govt Code) § 87306 and Harbors and Navigation Code (HNC) § 1154 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Govt Code § 87302(a).

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The proposed changes to the Board's Conflict of Interest Code (7 CCR § 212.5) include: 1) a revised list of Board member positions that must directly file Statements of Economic Interests (Form 700) with the Fair Political Practices Commission (FPPC), 2) modernizes the process and format of Board member position filings, requiring online filing with the FPPC, and 3) updates the list of designated Board staff positions that must file a Form 700.

The proposed amendments and explanation of the reasons for these amendments can be obtained from the Board's contacts listed below.

### **DISCLOSURES AND DECLARATIONS REGARDING THE PROPOSED ACTION**

The Board has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

The Board has also concluded that the proposed regulations will not facilitate the creation or elimination of jobs within California. The proposed regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code §11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons, and equally effective in implementing the statutory policy or other provisions of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, if one is held, or during the written comment period.

## **JUMP TO AGENDA**

### **CONTACT PERSON**

All inquiries concerning these proposed amendments and any communication required by this notice should be directed to:

Name: Matthew Millspaugh  
Email: [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov)  
Phone: (415) 397-2253

The backup contact person for these inquiries is:

Name: Allen Garfinkle  
Email: [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov)  
Phone: (415) 397-2253

Please direct requests for copies of the proposed text (Express Terms) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Matthew Millspaugh at the above address.

### **AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE**

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the above address during normal business hours (9:00 a.m. to 5:00 p.m.). Please contact Matthew Millspaugh at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request from the Contact Person designated in this Notice.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the close of the 45-day public comment period, the Board may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulations are appropriate. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Matthew Millspaugh at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

**BOARD INTERNET WEBSITE**

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Rulemaking, the Initial Statement of reasons, and the text of the regulations in underline and strikeout can be accessed through the Board's website at [www.bopc.ca.gov](http://www.bopc.ca.gov).



[JUMP TO AGENDA](#)



## Supporting California's economy and safeguarding its natural resources

Since its founding in 1850, the Board of Pilot Commissioners (Board) for the Bays of San Francisco, San Pablo, and Suisun has supported California's economy and safeguarded thousands of miles of coastline through its licensing, training and regulatory activities.

Each year, Board-licensed pilots safely guide ships carrying thousands of passengers and billions of dollars of cargo through some of the most challenging waterways in North America.

As the BOPC approaches its bicentennial, it continues to shape California's future with industry-leading standards, highlighted by the development of new pilot boats that meet the nation's strictest harbor craft emission requirements.

Find out more about the Board and its work at [www.bopc.ca.gov](http://www.bopc.ca.gov).

### **Board of Pilot Commissioners**

660 Davis Street, San Francisco, CA 94111

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**STATE OF CALIFORNIA**

Unless otherwise noted, photos courtesy of the San Francisco Bar Pilots Association.

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