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 August 28, 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:

888-808-6929
Access Code:
4310981#

SERVING THE PEOPLE OF CALIFORNIA SINCE 1850

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Board of Pilot Commissioners (BOPC)
for the Bays of San Francisco, San Pablo, and Suisun
Board Meeting
Thursday, August 28, 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
Captain Roy Mathur, Wet Cargo Industry Member (joined at approximately 9:37 a.m.)
Christine Casey, Designee for the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent
None

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, Board Administrative Coordinator
Nina Lincoff, Board Counsel
Patrick Tuck, Board Counsel (joined at approximately 1:26 p.m.)
Roma Cristia-Plant, Consultant to the Board

Identified Public Present (in person and by phone)
Captain John Carlier, San Francisco Bar Pilots (SFBP), President and Port Agent
Captain Anne McIntyre, SFBP Business Director
Kevin Baldwin, SFBP General Counsel
Captain Paul Ruff, SFBP
Rex Clack, esq., Rex M Clack (RMC) Law
Captain Brendan Roberts, BOPC Trainee
Captain Krysia Pohl, United Stated Coast Guard (USCG) Prevention Department Chief
Mike Jacob, Pacific Merchant Shipping Association (PMSA)
Captain Todd Johnston, BOPC Trainee
Tamara Elaine Keen, Court Reporter
Mark Andrew, California Highway Patrol (CHP) Officer
Captain Kristopher Laakso, SFBP

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OPEN MEETING

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

   President Tynan called the meeting to order at 9:32 a.m.
   Board Administrative Coordinator McNeill called the roll and confirmed a quorum.

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

   None.

3. **Review and approval of Board meeting minutes from the meeting held on July 24, 2025. (President Tynan)**

   Possible Board action to approve the minutes from the Board meeting held on July 24, 2025.

   MOTION: Commissioner Rodriguez moved to approve the draft July 24, 2025, Board meeting minutes. Commissioner Carr seconded the motion.
   VOTE: YES: Benedict, Carr, Korwatch, Rodriguez, and Tynan.
   NO: None.
   ABSTAIN: Hayes-White.
   ACTION: The motion was approved.

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

   President Tynan stated that she possessed correspondence from SFBP General Counsel Baldwin regarding the Incident Review Committee (IRC) and would confer with Executive Director Garfinkle while considering the contents of the letter. She also thanked California Highway Patrol (CHP) Officer Andrew for being present for the Board meeting on August 28, 2025.

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

   Commissioner Benedict introduced Captain Pohl, Chief of Prevention at U.S. Coast Guard Sector San Francisco, where she oversees maritime safety programs.

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

   A) Correspondence and activities since the Board meeting held on July 24, 2025.

   Executive Director Garfinkle welcomed Captain Pohl and everyone present, and reported the following activities:

   - On Tuesday, July 29, 2025, Executive Director Garfinkle attended a meeting of the Ad Hoc Committee to Review the Pilotage Rate Setting Process.
   - On Wednesday, July 30, 2025, Executive Director Garfinkle received a request from Captain Greger's attorney for Executive Director Garfinkle to notify his legal representation to contact them for the purpose of arranging dates for him to be examined under oath in the American Arbitration Association arbitration in *Greger v. San Francisco Bar Pilots Association (SFBP)*.

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- On Monday, August 4, 2025, Executive Director Garfinkle received acknowledgement that the Office of Attorney General would represent him in the arbitration *Greger v. SFBP*.
- On Tuesday, August 6, 2025, Executive Director Garfinkle worked with Board counsel to finalize the resolution approving final authorization and reimbursement to the San Francisco Bar Pilots Benevolent and Protective Association for the cost of acquiring new station boats. A copy of the proposed resolution is included in the Board documents as Agenda Item 12B.
- On August 7, 2025, Executive Director Garfinkle attended a Director's meeting at CalSTA with Secretary Omishakin and the other department heads.
- On Thursday, August 14, 2025:
    - The Board welcomed colleagues from the California Highway Patrol and CalSTA for a day-long information-sharing session. Executive Director Garfinkle offered special thanks to SFBP for providing a ride on the Golden Gate and generously hosting lunch.
    - Executive Director Garfinkle received suggested draft regulations co-authored by PMSA and SFBP for the Ad Hoc Committee to Review the Pilotage Rate Setting Process to consider.
- On Tuesday, August 19, 2025:
    - Board staff held Brendan Roberts' training program orientation and were pleased to officially welcome him to the Trainee Program.
    - Board staff received additional evidence pertaining to the Incident Review Committee (IRC) investigation into the Motor Vessel (M/V) PLATANOS incident, detailing the extent of damage to the Martinez Terminal.
    - Board staff received a letter brief from Capt. Weiss' attorney, Rex Clack.
- On Wednesday, August 20, 2025, Executive Director Garfinkle attended the open session of the Pilot Evaluation Committee meeting.
- On Thursday, August 21, 2025:
    - Board staff received a copy of the Administrative Law Judge's proposed decision in the Captain Greger matter (from Board counsel). A copy of the proposed decision is included in the Board documents as Agenda Item 6A-01. The Board will review the proposed decision at its September 2025 meeting.
    - Executive Director Garfinkle attended a meeting of the Ad Hoc Committee to Review the Pilotage Rate Setting Process, which was continued to August 27, 2025.
- On Wednesday, August 27, 2025:
    - Executive Director Garfinkle attended the meeting of the Ad Hoc Committee to Review the Pilotage Rate Setting Process continued from August 21, 2025.
    - Board staff received a copy of a letter addressed to President Tynan from SFBP attorney Kevin Baldwin with concerns about the Incident Review process.
    - Board staff received notice from SFBP that the surveyor previously approved by the Board was retiring and that he recommended the firm Duncan Shoemaker and Associates.

Executive Director Garfinkle acknowledged Board staff's hard work, stating that everyone has been doing an excellent job and thanked them for their efforts.

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B) Report on pilot licensing matters since the Board meeting held on July 24, 2025.

Executive Director Garfinkle reported that, since the July 2025 Board meeting, the Board issued a license renewal to the following Board licensees: Captains Burns, Cvitanovic, Laakso, Merritt, Murney, Pascucci, and Starnitzky.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired $899,354.72 to the Board for surcharges collected in July 2025, itemized as follows:

- Operations Surcharge: $227,839.60
- Pilot Training Surcharge: $29,340.91
- Trainee Surcharge: $50,702.44
- Pilot Boat Surcharge: $591,471.77

D) Report of pension fiduciary.

Executive Director Garfinkle reported that as of July 31, 2025, there were 85 pensioners.

- Surcharge Rate for the Quarter: 0.04462/gross registered ton
- Rolling Look Back Period: April 2024 to March 2025
- Monthly Tonnage for the Month: 29,416,932.00 tons
- Surcharge Billing Total: $1,312,583.51
- Administrative Costs for the Month: $2,603.00
- Amount Distributed to Pension Beneficiaries: $1,309,980.44
- Total Monthly Target Rates: $1,225,652.17
- Amount Over/(Under) Target: $86,931.27 (over)

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

E) Report on legislative activities and contractual matters.

<u>Legislative Activities</u>

Assistant Director Millspaugh reported that Board staff are currently monitoring:

- Senate Bill (SB) 263: which if enrolled would require the California Transportation Agency, in consultation with the Department of Finance and the Governor's Office of Business and Economic Development, to conduct a study on the impacts that potential future increases in tariffs and reciprocal tariffs on international trade of imports and exports might have on California's economic output. The bill is in the committee process and has been referred to Assembly Appropriations for a hearing on August 29, 2025.

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Contractual Matters

Assistant Director Millspaugh reported the following regarding contractual matters:

- **Trainee Selection Exam Contracts**
    - **The California Polytechnic State University (Cal Poly) Maritime Academy (previously The California State University Maritime Academy [CMA]), Trainee Selection Exam Services (Contract # 25M900003)**
      Board staff continue to pursue an inter-agency agreement with the Cal Poly Maritime Academy, formally CMA, for use of their simulator and facilities for the 2026 pilot trainee simulator exam. A scope of work and budget have been finalized and submitted to CHP for processing.
    - **Trainee Selection Exam Services (Contract # 25M900001)**
      Board staff finalized a scope of work and budget for a contract with Dainis & Company, Incorporated (psychometrician company) to develop the 2026 pilot trainee exam. The scope of work and terms of the agreement have been submitted to CHP for processing.
    - **California Department of Human Resources (CalHR) – Trainee Selection Exam Services (Contract # To Be Determined [TBD])**
      Board staff have finalized a scope of work and budget for the Pilot Trainee Training Program Exam related to services from CalHR. The scope of work has been submitted to CHP for processing.
- **State Controller's Office (SCO) – Pilot Boat Program Audit**
  Board staff are developing a new Inter-Agency agreement between the Board and the SCO in support of the Pilot Boat Program audit. The Scope of Work (SOW) remains with SCO senior management for review and feedback. The Finance Committee will review the scope of this contract at the next Finance Committee meeting, in September 2025.
- **Maritime Investigator Services Contracts**
    - **Marine Investigator Services – Invitations for Bids (IFB) (Contract # 24M900003)**
      The Board received one response from the IFB for maritime investigative services and continue to pursue a contract with that individual. The Department of General Service's (DGS) Office of Risk & Insurance Management (ORIM) has recommended professional liability insurance for the contract and Board staff is working with CHP to determine the best course of action to enable the current IFB response to move forward to a finalized contract.
    - **Pilot Trainee Random Drug Testing Services (Contract # 25M900002) Maritime Investigator Services Contracts**
      Board staff have finalized the SOW/budget for this agreement. CHP has reviewed but is awaiting submission of required documents from the contactor, including proof of insurance. The proposed term of the contract is July 1, 2025 – June 30, 2028.
- **Board Offsite Meeting Space/Related Services (Contract # 25M900006) Fair and Reasonable Contract**
  Board staff have finalized the SOW/budget for an agreement with SFBP to provide meeting space and related services for the board offsite meeting to be held October 29, 2025.

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Assistant Director Millspaugh stated that, regarding the Pilot Trainee Random Drug Testing Services (Contract # 25M900002) Maritime Investigator Services Contract, no work would be done until the contract has been finalized (even though the proposed timeline started July 1, 2025).

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

A) Monthly report on San Francisco Bar Pilots' (SFBP) Port Agent updates, including: a list of pilots who have been Absent for Medical Reasons (AFMR) and any Minimum Rest Period (MRP) exceptions, SFBP Fatigue Risk Mitigation Report, SFBP Pilot Boat Report, and vessel moves.

Port Agent, Captain Carlier, reported that, as of August 28, 2025:

- **Absent for Medical Reasons (AFMR)**

  The following pilots were AFMR, and their initial absence dates were:

  - Captain Lingo since March 12, 2025.
  - Captain Carr since June 25, 2025.

- **Recommended Minimum Rest Period (MRP) Exceptions**

  The SFBP continuously monitors the dispatch list for possible 12-hour 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 compensation time requests, deferring scheduled training sessions, or calling in off-watch pilots.

- **Fatigue Risk Mitigation Report**

  - There are currently 52 licensees on the SFBP Roster.
  - Work periods over 12 hours: 17 occurrences, none exceeded 14 hours.
  - Night work periods over 10 hours without rest opportunity: No occurrences.
  - Night-time hours over 18 hours in a 72-hour period: No occurrences.
  - Rest periods of less than 12 hours (MRPs): 7 occurrences. The minimum period was 10.3 hours.

B) Monthly report on SFBP ship piloting business activity.

Port Agent, Captain Carlier, reported that, as of August 28, 2025:

- The status for each of the SFBP-owned pilot boats were reported as:
  - Pilot Vessel (P/V) CALIFORNIA was in the shipyard since May 28, 2025.
  - Normal operations for P/Vs DRAKE, GOLDEN GATE, PITTSBURG, and SAN FRANCISCO.

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- Vessel moves, for July 2025, were as follows:
  - Bar Crossings: 485
  - Bay Moves: 111
  - River Moves: 45
  - **Total Moves: 641**
- Gross Registered Tonnage (GRT): 29.4 million.
- Year-over-year, when comparing the same period in 2025 to the same period in 2024, total moves were down 1% and GRT was down 0.2%.

Captain Carlier stated that the repairs for the P/V CALIFORNIA should have originally taken four to five weeks but was extended to three months because the stern tube had to be replaced.

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 August 20, 2025.

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

- Chair Ruff noted there was a typo on his report regarding the PEC meeting date. The PEC met on Wednesday, August 20, 2025, at 7:30 a.m. The members present were Captains Stultz, Slack, Wehr, Bridgman, and Ruff. Executive Director Garfinkle joined the PEC in an open session, in which, the following was discussed:
  - CalHR and psychometrician contract, finding subject matter experts for job task analysis and developing test questions.
  - Bringing on the last candidate from the 2022 Pilot Trainee Training Program Ranked List, Brendan Roberts.
  - Captain Johnston addressing PEC after the closed session meetings were completed and how many votes were needed from the Board when considering the PEC's recommendation to dismiss Captain Johnston from the Pilot Trainee Training Program.
- The open session was completed at 7:45 a.m., and then the PEC moved into the smaller conference room for the closed sessions.
- There are five active trainees: Captains Gallo, Johnson & Johnston, Thinger and Roberts. Their time in the program ranges from one week to 24 months.
- Captains Gallo and Johnson have completed all first-class pilotage testing requirements and continue learning the art of piloting in the San Francisco Bay.
- Captain Thinger is one step closer to completing all first-class pilotage testing, only the rivers remain.

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- Captain Johnston status remains studying for pilotage.
- The newest trainee, Captain Brendan Roberts, was brought aboard Tuesday, August 19, 2025, for orientation and went on his first job with Chair Ruff that afternoon.
- Those riding ships were observing, part handling or handling under direct supervision of a licensed San Francisco Bar Pilot.
- In closed session, the four trainees riding ships were counseled on their progress. Time was spent answering questions and developing strategies to help overcome any difficulties or frustrations they may be having.
- As of August 28, 2025, four of the apprentices, Gallo, Johnson, Thinger and Roberts are meeting the recommended benchmarks and are progressing in the program.
- The closed session was completed at 9:35 a.m. and the PEC went to the main room and at 10:40 a.m., Chair Ruff sent a text message to Captain Johnston that it was time for him to come address the PEC in open session.
- Executive Director Garfinkle came back to attend the second open session.
- Captain Johnston presented to the PEC the results of his research of possible trainee discrepancies over the last five years. He told the PEC of the software he used to analyze the twelve thousand plus documents requested and received. The initial copy did not use names, just a number for each trainee.
- The PEC told him that names would be needed to be able to check, compare, and verify his findings.
- Captain Johnston said he would give the PEC the names if it would protect his position in the training program. He eventually gave the PEC the names to match the findings with no guarantee of trainee status security. When his presentation was completed, Chair Ruff thanked him for his time, and he departed the office, and the second open session was completed at 10:58 a.m.

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

The Board may go into closed session to discuss any confidential portions of the Committee Chair's report and/or other relevant confidential medical information, as authorized by HNC section 1157.1.

Chair Ruff Stated that, as stated in the previous two meetings, the PEC recommended Captain Johnston's dismissal from training 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 or trainees who has/have completed the Pilot Trainee Training Program.

None.

D) Possible recommendation from the Executive Director for the Board to issue a state pilot license to a trainee or trainees who hold a Certificate of Completion from the Pilot Trainee Training Program.

Possible Board action to accept a recommendation from the Executive Director that a trainee or trainees holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot, and issue said state license.

None.

PEC Chair Ruff introduced Trainee Roberts. Trainee Roberts is the last candidate on the pilot trainee exam list. The next pilot trainee exam is anticipated to be held in the summer of 2026.

Trainee Roberts introduced himself, thanked PEC Chair Ruff for a seamless orientation, and stated that he had worked on tugs in the Bay for the last 13 years prior to joining the pilot trainee training program, working his way up through the ranks versus graduating through a maritime academy.

Commissioner Korwatch stated her admiration for those who can work their way up through the ranks (colloquially referred to as a "hawspiper")

9. Discussion and possible Board action to review and approve the language of a Board Resolution providing authorization for and reimbursement to the San Francisco Bar Pilots Benevolent and Protective Association (SFBP B&P) for the cost of the design and engineering of new station boats in the amount of $978,565.56, following Board approval of the authorization for and reimbursement at the July 24, 2025, Board meeting.

Possible Board action regarding the language of a Board Resolution providing authorization for and reimbursement to the San Francisco Bar Pilots Benevolent and Protective Association (SFBP B&P) for the cost of design and engineering of new station boats in the in the amount of $978,565.56.

Executive Director Garfinkle stated a correction to the Board Resolution was made [updating the recipient of funds], as SFBP already reimbursed SFBP B&P so the resolution should reimburse SFBP instead of SFBP B&P. The revised Board Resolution was presented to Board Members.

Board Counsel Lincoff stated that the resolution was following the Board's approval of the related final authorization at the July 2025 Board meeting and all reimbursement payments would require a resolution. Executive Director Garfinkle stated that, for future reimbursements, Board staff would aim to prepare the final authorization and related resolution to be considered by the Board at the same time.

Attendees discussed the payment process, noting that the SFBP had not yet received the July 2025 payment. Discussion points included:

- Captain McIntyre stated that the SFBP appreciated the streamlined process and understood Board staff have been diligent on their end but the SFBP's operating funds were used to cover this significant sum and reimbursement delays have proven problematic. Captain McIntyre noted it had been discussed internally as to whether the SFBP should receive interest on delayed payments.
- President Tynan and Captain McIntyre agreed that an agenda item should be added to the September 2025 Board meeting agenda to discuss further.

- Board Counsel Lincoff stated that the delay may have been caused by the Fiscal Year (FY) end.
- Assistant Director Millspaugh explained that there are limits to expediting the invoice timeline, since the invoice process goes through other departments and that payment delays were likely due to the FY end.
- Assistant Director Millspaugh stated that, at the next Board meeting, he could report on options for mitigating future payment delays.

Commissioner Rodriguez stated that the resolution listed the numerical dollar amount and then spelled out the amount in parenthesis but typically documents spell out the amount and then put numerical value in parentheses. (In the future, "$978,565.58 (Nine hundred and seventy-eight thousand, five hundred and sixty-five dollars and fifty-eight cents)" should be "Nine hundred and seventy-eight thousand, five hundred and sixty-five dollars and fifty-eight cents ($978,565.58)".)

MOTION: Commissioner Carr moved to approve the revised resolution, dated August 28, 2025. Commissioner Korwatch seconded the motion.
VOTE: YES: Benedict, Carr, Korwatch, Rodriguez, Mathur, and Tynan.
NO: None.
ABSTAIN: Hayes-White.
ACTION: The motion was approved.

10. 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 that there were no new violations between the July 2025 and August 2025 Board meetings.

11. 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) Board to consider and possibly approve the language of the Board's decision involving the M/V KONA TRADER.

Possible Board action regarding the language of the Board's decision regarding the event of September 25, 2024, involving the M/V KONA TRADER, which made unintended contact with the pier in the Port of Stockton.

The Board may go into closed session for the deliberation of the confidential portions of the Board's decision under this item pursuant to Harbors and Navigation Code section 1180.6 and Government Code section 11126, subdivisions (c)(3) and (e)(1).

Executive Director Garfinkle stated the intent of this agenda item was to confirm the Board's ruling and approve in writing.

President Tynan stated (regarding the event of September 25, 2024, involving the M/V KONA TRADER, which made unintended contact with the pier in the Port of Stockton and the hearing on this matter at [the Board meeting on] June 27, 2025):

1. The Board finds that there was pilot error.
2. Captains Stevens and Barron shall address the general membership of San Francisco Bar Pilots (SFBP) on lessons learned from this event, including an assessment of the approaches

to Stockton's Berth 12 and 13, and will report back to the Board when this presentation is completed.

MOTION: Commissioner Benedict moved to approve the order dated June 27, 2025, finding pilot error and ordering the address of SFBP general membership and reporting back to the Board from Captains Stevens and Barron. Commissioner Rodriguez seconded the motion.
VOTE: YES: Benedict, Carr, Korwatch, and Rodriguez.
NO: None.
ABSTAIN: Hayes-White, Mathur, and Tynan.
ACTION: The motion was approved.

Board members agreed to discuss agenda item 11B after agenda item 16.

12. Ad Hoc Committee to Review the Pilotage Rate Setting Process Meeting. (Committee Chairperson)

A) Report on the Ad Hoc Committee to Review the Pilotage Rate Setting Process meetings held on July 29, 2025, and August 21, 2025.

Commissioner Carr summarized the key points of the July 2025 and August 2025 Ad Hoc Committee to Review the Pilotage Rate Setting Process (Committee) meetings. The Committee revised Article 7. Pilotage Rates (commencing with §236), Title 7 California Code of Regulations (CCR) and voted to recommend the meeting document included for agenda item 12. Deliberations included:

- Clarifying the Board's role, with a focus on the Executive Director's responsibilities.
- Clarifying the steps and responsibilities for the notice of petition.
- Emphasizing key elements of the statute.
- Reminding the Board to not participate in ex parte communications.
- Including language to ensure fair interpretation of the regulations and statute.
- Clarifying that the Board can also initiate petitions.

Commissioner Carr stated Board staff also provided a timeline for the regulations to become effective by April 1, 2026.

Executive Director Garfinkle stated there would be more opportunities for review and changes, including a public comment period and potentially, if there are comments, an additional public comment period.

Discussion points regarding Committee participation included:

- President Tynan stated that, although the Committee solely consists of Board Members, there was stakeholder participation.
- Captain McIntyre stated the SFBP felt they contributed a lot of input, attended all the Committee meetings, and were comfortable with language proposed.
- Mr. Jacob stated the proposed language reflected a compromise from both parties, with a thorough and straightforward application of rules.
- Mr. Jacob stated that shareholders (Captain McIntyre and Mr. Jacob) were offered the

opportunity to join the Committee but declined so they could confer separately without violating the open meeting act.

B) Possible Ad Hoc Committee to Review the Pilotage Rate Setting Process recommendation regarding the revised Section 236 of Title 7, California Code of Regulations, to reflect the purpose and intent of the statutory changes embodied in HNC Chapter 6, Article 1, section 1250 et seq.

Possible Board action to revise Section 236 of Title 7, California Code of Regulations, to reflect the purpose and intent of the statutory changes embodied in HNC Chapter 6, Article 1, section 1250 et seq.

MOTION: Commissioner Hayes-White moved to approve the proposed revised Section 236 of Title 7, California Code of Regulations. Commissioner Carr seconded the motion.
VOTE: YES: Benedict, Carr, Hayes-White, Korwatch, Mathur, Rodriguez, and Tynan.
NO: None.
ABSTAIN: None.
ACTION: The motion was approved.

13. Discussion regarding the process, related reports and possible improvements related to the evaluation of licensed pilots for Fit for Duty (FFD) status by the University of California San Francisco (UCSF). (Assistant Director Millspaugh)

Possible Board action related to recommendations for improvement to the process and related reporting for Licensed Pilot and Pilot Trainee FFD evaluations.

Assistant Director Millspaugh highlighted potential solutions (to shorten the processing time needed for FFD evaluations) that Board staff considered. These considerations included:

- Processes to be implemented:
  - Holding an overview and training: After conferring with Executive Director Garfinkle, they proposed holding an overview and training (for licensed pilots and pilot trainees) to review documents and requests (as a first step toward a solution), with UCSF representatives present to address questions. He welcomed feedback and discussion from the Board and meeting attendees.
  - Working with UCSF to solve administrative delays: Board staff met with UCSF to discuss potential solutions. Although it has yet to be completely addressed, discussion points included:
    - UCSF limiting staff replacements to minimize workflow disruptions,
    - Having a monthly call between UCSF and Board staff to check-in,
    - Holding a Fitness Committee meeting soon and inviting a UCSF medical team member to join. (Executive Director Garfinkle stated that he would work with UCSF to ensure one of their representatives is present for the meeting.)
- Processes considered but not implemented:
  - Updating the agreement with UCSF to enforce timelines and performance measures:
    - Integrating timelines: The July 2025 UCSF agreement did not include timelines because it would be too ambiguous; and
    - Integrating performance measures: Performance measures were considered but not

included in the agreement because they would be too burdensome.

Although UCSF needs to review and adjust their processes, the Board does not have much authority over their internal operations.

Commissioner Carr agreed with providing additional training, to eliminate the possibility of delays from incomplete submissions. He also suggested UCSF provide a rating system (e.g., happy, somewhat happy, not happy) to provide feedback for UCSF's consideration. He requested this issue be included in the October 2025 Board agenda and the next Fitness Committee meeting agenda to discuss this and other problems.

President Tynan encouraged Board staff to hold the training through zoom and record it so new pilots can have a shared mental model of how the process works. She also agreed to this issue being included in the October 2025 Board agenda.

Captain Carlier disagreed with the issue being a pilot education problem and stated the problem laid with UCSF. He provided an example of a pilot immediately submitting a request [for an FFD] and UCSF waiting until two days prior to the license expiration before processing the paperwork.

Executive Director Garfinkle commended Licensing and Training Programs Manager Wong for her diligent work with UCSF, ensuring and noting that there were no annual license renewal delays despite UCSF issues, citing that licensee medical return to work requests were the focus of most delays.

Recess began at 10:44 a.m.
Meeting resumed at 11:02 a.m.

14. Status report on the Board's Information Technology Modernization Project (ITMP). (Assistant Director Millspaugh)

Assistant Director Millspaugh stated that Board staff have been working on procurement and building a solicitation for ITMP while waiting for approval from the California Department of Technology (CDT) for Project Approval Lifecycle (PAL) stage 2. Board staff worked on the solicitation with Gartner Inc. (Gartner) and CalSTA, and have submitted a draft to CDT's, Office of Statewide Technology Procurement (OSTP) via their solicitation builder. Considering the time for the public comment period for the initial draft, Board staff aim for the solicitation review to be completed by October 2025. Once complete, Board staff will move forward with the actual solicitation. Board staff have emphasized with OSTP this timeline is strict.

15. 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)

Mr. Jacob stated that shipping trends remain unpredictable. June 2025 shipping was down but July 2025 was the busiest month for the several California ports, including the Port of Los Angeles. July 2025 port details (and comparisons to July 2024 and July 2019) included:

- **The Port of Los Angeles:**

  The Port of Los Angeles handled a record-breaking 1,019,837 loaded and unloaded Twenty-foot Equivalent [shipping container] Units (TEUs); the most TEUs the Port of Los Angeles had ever

handled in a single month. The July 2025 tally included:

- Inbound: 543,728 loaded TEUs, 8.5% more than 2024, 14.1% more than July 2019.
- Outbound: 121,507 TEUs, 5.8% more than 2024, 24.7% less than July 2019.

The total container traffic for the Port of Los Angeles year-to-date was 5,975,649 TEUs, 9.6% more than the same period in 2019. In a press briefing on August 13, 2025, Port Executive Director Gene Seroka commented that container flows through the port have been driven by responses to the dynamic tariff environment and may have now peaked for the year.

- **The Port of Long Beach:**

  The Port of Long Beach recorded its busiest July ever, at 944,232 loaded and empty TEUs, 468,081 of which were loaded. The July 2025 tally included:

  - Inbound: 468,081 loaded TEUs, 7.6% more than 2024, 49.9% more than July 2019.
  - Outbound: 91,328 TEUs, 12.9% less than 2024, 18.2% less than July 2019.

- **The Port of Oakland:**

  The Port of Oakland recorded the highest monthly import so far for July 2025, 31.4% more than June 2025. The July 2025 tally included:

  - Inbound: 92,392 loaded TEUs, 15.3% more than 2024, 2% more than July 2019.
  - Outbound: 65,595 TEUs, 10.5% more than 2024, 14.2% less than 2019.

  The total container traffic for the Port of Oakland year-to-date was 1,346,022, 8.6% less than the same period in 2019.

- **The Northwest Seaport Alliance (NWSA) Ports of Tacoma and Seattle:**

  NWSA Ports of Tacoma and Seattle sustained a year-over-year decline in import loads in July 2025. The July 2025 tally included:

  - Inbound: 97,683 TEUs; 11.4% less than July 2024, 20.5% less than July 2019.
  - Outbound: 44,303 TEUs, 19.9% more than 2024, 40.0% less than July 2019.

  The total container traffic for the NWSA Ports of Tacoma and Seattle year-to-date was 1,885,363 TEUs, 15.9% less than the same period in 2019.

- The Port of Vancouver, British Columbia's July 2025 tally included:
  - Inbound: 173,520 TEUs, 2.6% more than 2024, 6.5% more than July 2019.
  - Outbound: 60,937 TEUs, 0.3% more than 2024, 33.4% less than July 2019.

Mr. Jacob stated that July 2025 was the end of the 90-day pause on the China tariffs, but a new suspension was approved through November 2025. This suspension has continued to pull shipping forward, but it will come at a cost. Shipping is anticipated to recede, but it is unclear how drastically the impact will be. The United States Dollar (USD) is getting weaker, which typically results in an increase in exports, but the corresponding export increase has yet to be seen. Per published reports, freight rates have softened. There has been a shift into Asia-Europe trade, which will reduce future demand.

Captain McIntyre stated that ship orders have reduced by 50% worldwide. Mr. Jacob responded that scrapping rates are also very low.

In regard to the Oakland Turning Basin project [a pending project of the Port of Oakland], Mr. Jacob

stated he hadn't seen any progress or potential litigation. There was minimal criticism of the Environmental Impact Report (EIR) on the day of adoption, and no opposition when the EIR was released for public comment. Captain McIntyre stated the turning basin project appears to have been successful so far and the Port has committed funds to further the project's progress, demonstrating their commitment to completion.

Captain McIntyre stated:

- The SFBP has concerns about the industry volatility.
- Regarding the project to build a new pilot boat:
  - The SFBP will send the Request for Proposals (RFP) to the shipyards capable of doing the work.
  - Final proposals will be due November 18, 2025, and the SFBP should finish their review by December 2025.
  - Once the SFBP receives the responses, they will be able to provide a timeline [for the new boat build].
- The 10% tariff on steel is a significant concern. Although money has been diligently collected to prepare for this project, if tariffs increase the cost of steel significantly, the project cost would be significantly impacted.
- On Friday, September 26, 2025, 8:00 a.m. – 10:00 a.m., the Seafarers Ministry of the Golden Gate will be hosting a World Maritime Day 2025 breakfast at Scott's in Jack London Square, 2 Broadway, Oakland, CA 94607. This organization supports seafarers, who are at the crux of maritime labor.
- On Saturday, October 25, 2025, the San Francisco Maritime Foundation will be hosting a gala (the Annual Maritime Ball) honoring SFBP's 175th anniversary at Pier 27. There will be a reception, dinner, and live band. This event supports the Maritime Foundation. Everyone is encouraged to attend.

16. 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 that SFBP had not received the funds.

Recess began at 11:21 a.m.
Meeting resumed at 11:28 a.m.

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11. 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.)

B) Present IRC report regarding the event of October 14, 2024, involving the Motor Vessel (M/V) PLATANOS which made unintended contact with the pier at Shell Martinez.

Possible Board action on the IRC's recommendations to the Board and determination regarding the event of October 14, 2024, involving the M/V PLATANOS, which made unintended contact with the pier at Shell Martinez. If the report is not presented, the IRC may request an extension to present the report. If that is the case, possible Board action to extend the presentation of the M/V PLATANOS report to the next monthly Board meeting.

The Board may go into closed session for the deliberation of the confidential portions of the incident report presented under this item pursuant to Harbors and Navigation Code section 1180.6 and Government Code section 11126, subdivisions (c)(3) and (e)(1).

Executive Director Garfinkle narrated videos provided in support of the IRC report as they were played for the Board. Discussion points included:

- A summary of the details listed in the IRC report included in the meeting documents, including the timeframe, communication breakdown between the pilot and tugs due to the pilot [Captain Weiss] mixing up the two tug names and positions, the pilot's acknowledgement of his mistake, and the pilot being fully rested but the work taking place during the circadian low.
- A note that no audio was included with the videos because Captain Weiss did not realize the audio was kept in a separate file, so the audio was not preserved.
- The IRC's assertion that there were several points [during the pilotage] that Captain Weiss could have broken the error chain, but he failed to do so.
- A reminder to the Board that the Board is charged with deciding if the pilot was negligent and if the negligence led to misconduct.
- A note that piloting is not a perfect science, but the job did not go as planned, almost from the point the docking began.
- A note that responses to commands from the tug operators should have triggered a reevaluation from Captain Weiss.
- A reminder that a pilot is not liable for mere errors in judgement but is liable for damage that could have been avoided by other pilots ordinarily.
- The IRC's conclusion was that Captain Weiss acted negligently and recommended a letter of warning, noting Captain Weiss' long career and clean record. Meeting document 11B, attachment 10, included a letter from the pilot's counsel.

Carr and Benedict highlighted inconsistencies in the IRC report, including inaccurate descriptions of the vessel type and size.

Pilot Counsel, Clack, objected to several points in the IRC's report, citing various points and opinions, including that:

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- Captain Weiss had an impeccable 32-year pilot record, handling various difficult jobs.
- Captain Weiss demonstrated a high sense of integrity by responding to the incident investigation with cooperation and forthcoming honesty, admitting to and taking responsibility for the error (transposing the tug names).
- When evaluating the pilot conduct, it should be by referencing what the standard pilot would have done, not referring to the hindsight of what could have been done. To demonstrate that the IRC report referred to hindsight, instead of what the average pilot would do, Pilot Counsel, Clack, refuted several points, including:
    1. The bow coming up faster than the stern may have been due to the vessel trim. Every ship handles differently.
    2. Captain Weiss was reacting to strong current so he didn't have the luxury to stop and reassess. He was in a fast cycle of evaluating, taking actions, and reassessing, which [Pilot Counsel, Clack, stated] exceeded the average pilot's [standard actions]. Due to his quick responses, he avoided additional damage that could have been caused.
- Regarding the circadian low, pilots do not get to avoid shifts in this timeframe, but Captain Weiss was not fatigued and, to the contrary, he felt well-rested. Referencing fatigue is speculative.

Pilot Counsel Clack concluded that the cause of incident was the transposition of the tug names on the pilot's radio card. He stated that Weiss reviewed this incident many times in his mind to understand how this could have happened. He was careful in what he did, which was reflected in the minimized damage that could have been much worse. Although Pilot Counsel Clack did not agree with these points in the IRC report, he stated that he would accept the IRC's recommendation.

Commissioners and attendees discussed how transposing the tug names led to the vessel being moved in the opposite direction intended and a discrepancy in the trim would impact the ease in which the vessel reacted to the forces of the current and tugs.

Executive Director Garfinkle stated that, when the tug operators were interviewed, they stated they were not aware of the allision. He also confirmed that there was a typo in the vessel specifications.

Closed session began at 12:06 p.m.
Closed session ended at 12:34 p.m.
Open session resumed at 12:34 p.m.

Board Counsel Lincoff stated that the Board would postpose the vote on the IRC report for the October 14, 2024, allision between the M/V PLATANOS and the pier (at Shell Martinez) due to inconsistencies (pending correction) including, but not limited to:

- Vessel configuration and size
- Extent of damage
- Photos in report

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Commissioner Carr stated this was the second report in a row that he disagreed with the IRC's statement that they could not rule out fatigue. He suggested the IRC reconsider how they report on fatigue; stating they should not include fatigue in the IRC report when it is not outside the mandatory fatigue limits because it should not be a factor and stated that he did not see fatigue as a factor in this incident from a management standpoint.

President Tynan and Board Counsel Lincoff agreed that the Board staff should only address factual inconsistencies and accuracies in the IRC report.

Executive Director Garfinkle stated that the regulations state that the IRC "shall consider fatigue" in the IRC report so he feels compelled to include an evaluation of fatigue in the report.

Commissioner Carr responded that he was not saying it shouldn't be included, but that he feels the statements included are misleading to the public.

17. 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).

Closed session began at 12:42 p.m.
Closed session ended at 12:58 p.m.
Open session resumed at 12:59 p.m.

President Tynan stated that there was nothing to report out.

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

Commissioner Korwatch highlighted the request Captain McIntyre and President Tynan made earlier in the meeting (during the agenda item 9 discussion) for a new agenda item to discuss the SFBP reimbursement for engineering costs.

Captain McIntyre requested the agenda for the public workshop and suggested an agenda item for the vessel surveys.

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

SFBP Counsel Baldwin stated that, (as a public comment) regarding the general IRC process (not specific to the M/V PLATANOS IRC report), the SFBP suggested a review of the IRC procedure on how reports are reviewed and presented. SFBP Counsel Baldwin stated that the SFBP believes public comment should be accepted because once the incident decisions are accepted it becomes public record and can be scrutinized later if there were errors or details that were overlooked so it would be helpful to include all possible information for consideration to maintain optics and pilot reputation. The SFBP suggested a review of the IRC process (from start to finish) to formalize procedures, increase transparency, include public comment, and ensure a fair process. Referencing the inaccuracies in the M/V PLATANOS IRC report as an example, SFBP Counsel Baldwin stated that there is no clear notation that the document is a draft so there will be no indication that it was corrected after it was published; and the SFBP would like to avoid misleading the public on factual

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inaccuracies and discrepancies. He also requested that Board staff remove (unpublish) the version with the typos.

Recess began at 1:09 p.m.
Meeting resumed at 1:26 p.m.

20. Hearing on the Pilot Evaluation Committee's (PEC) Recommendation for Dismissal of Captain Johnston from the Pilot Trainee Training Program (7. Cal Code Regs. § 214(f).) (*Scheduled to begin at 1 p.m.*)

Possible Board action on the PEC's recommendation. The Board may go into closed session pursuant to Government Code section 11126(a) to consider the PEC's recommendation and any evidence presented at the hearing.

PEC Chair, Captain Ruff and Pilot Trainee, Captain Johnson presented their statements, evidence, and rebuttals to the Board. The hearing was recorded by a Court Reporter. See Attachment 1, for the transcript of the hearing.

MOTION: Commissioner Carr moved to approve the PEC's recommendation to dismiss Captain Johnston from the trainee training program, effective Thursday, August 28, 2025, pursuant to the California Code of Regulations, section 214(f)(3,4, and 5). Commissioner Mathur seconded the motion.
VOTE: YES: Benedict, Carr, Korwatch, Mathur, and Tynan.
NO: Hayes-White.
ABSTAIN: Rodriguez.
ACTION: The motion was approved.

Board Counsel Tuck stated that this decision supersedes the suspension and announced that as of August 28, 2025, Captain Johnston is dismissed from the trainee training program pursuant to Government Code section 11126(a)(3-5).

21. Adjournment.

President Tynan adjourned the meeting at 3:40 p.m.

Submitted by:

Allen Garfinkle
Executive Director

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ACRONYM INDEX

Acronyms / Abbreviations	Definition
AFMR	Absent For Medical Reasons
BOPC/Board	**Board of Pilot Commissioners**
CalHR	The California Department of Human Resources
Cal Poly	The California Polytechnic State University
CalSTA	**The California State Transportation Agency**
CCR	California Code of Regulations
CDT	The California Department of Technology
CHP	The California Highway Patrol
CMA	The California State University Maritime Academy
COLA	Cost of Living Adjustment
DGS	The Department of General Services
FFD	Fit For Duty
FY	Fiscal Year (July 1 – June 30, instead of calendar year of January-December)
Gartner	Gartner Inc. (Business management consultant)
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 (12 hours)
M/V	Motor Vessel
NWSA	Northwest Seaport Alliance
OSTP	The Office of Statewide Technology Procurement (office under CDT)
PAL	Project Approval Lifecycle
PEC	Pilot Evaluation Committee
PMSA	The Pacific Merchant Shipping Association
P/V	Passenger Vessel / Pilot Vessel
RFP	Request for Proposals
RMC	Rex M Clack Law
SCO	The State Controller's Office
SFBP	San Francisco Bar Pilots
SFBP B&P	San Francisco Bar Pilots Benevolent and Protective Association
SOW	Scope of Work
TBD	To Be Determined
TEU	Twenty-foot Equivalent Unit (unit of measurement for shipping containers with the internal dimensions of 20 feet long, 8 feet wide, and 8 feet tall)
USD	United States Dollar
UCSF	The University of California San Francisco
USCG	The United States Coast Guard

This and other documents for this meeting can be found on the Board's website www.bopc.ca.gov.

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