

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

ORDINANCE 16

PILOTAGE

AN ORDINANCE ESTABLISHING STANDARDS, POLICIES AND PRACTICES FOR PILOT COMPETENCY, QUALIFICATION, PROFESSIONAL GROWTH AND ENFORCEMENT

WHEREAS, in the United States, federal law defines two separate but interactive areas of pilotage regulation. The Coast Guard administers the pilotage aboard vessels in the coastwise, domestic trades and the states administer pilotage aboard vessels in foreign trade. In 1789, the First Federal Congress enacted section 4 of the Lighthouse Act, which provided:

“That all pilots in the bays, inlets, rivers, harbors and ports of the United States, shall continue to be regulated in conformity with the existing law of the states respectively wherein such pilots may be or with such laws as the states may respectively hereafter enact for such purpose, until further legislative provision shall be made by Congress” ; and

WHEREAS, the State of California, through the Harbors and Navigation Code, has delegated to the Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD) authority to provide for and supervise pilots aboard vessels in foreign trade. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 created a comprehensive State oil spill prevention program for coastal and marine waters. The law expanded the authority, responsibilities and duties of the CA Department of Fish & Game under the direction of the Administrator for Oil Spill Response. Government Code Section 8670.6 provided authority to establish the Oil Spill Prevention and Response Office (OSPR) which is responsible for assisting the Administrator in performing the duties specified in the Act. Additionally, AB567 (Hauser) enacted in 1994, provided a mechanism for the HBHRCD to license bar pilots operating in Humboldt Bay; and

WHEREAS, a Memorandum of Agreement (MOA) subsequently emerged as a way to preserve the port's legally delegated control over pilotage, while at the same time, ensuring that the concerns of the State and the Coast Guard were addressed. On February 26, 1997 the Governor of California, the Coast Guard Assistant Commandant for Marine Safety and Environmental Protection and the executive directors of the harbors of Humboldt Bay, Port Hueneme, Los Angeles, Long Beach and San Diego signed the Memorandum of Agreement concerning pilotage. The MOA requires a federal pilot license as a condition of employment. Because of the wording in federal statute (46 USC 8503), this strengthens Coast Guard authority to take action against an individual's right to hold a license when piloting vessels in foreign trade. Accordingly, pilots in Humboldt Bay are subject to the

jurisdiction of the Coast Guard suspension and revocation process when piloting vessels in coastwise or foreign trade. In addition, state pilot licenses for pilotage in Humboldt Bay are issued by HBHRCD; and

WHEREAS, in order to have a safe and efficient pilot organization, it is imperative to attract and hire the best people. Certain skills and experience are necessary to become a pilot and the proper attitude is required for the pilot to accept responsibility for maneuvering large vessels calmly and deliberately. A pilot must sometimes work under stressful conditions but must always exercise good judgment. Because of the pilot's reliance on others in the Bridge Management Team, the Pilot must also be an excellent communicator and manager.

WHEREAS, the goal of the HBHRCD is to maintain an adequate number of trained Pilots in Humboldt Bay to ensure navigation safety and protect commerce and the environment.

NOW, THEREFORE, THE BOARD OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

ARTICLE 1 SHORT TITLE, DEFINITIONS

SECTION 1.1 Short Title

This Ordinance shall be known as the "Humboldt Bay Pilotage Ordinance".

SECTION 1.2 Definitions

- a. Humboldt Bay, California: All waters within the geographic boundary of Humboldt Bay up to an elevation of Mean Higher High Water, up Humboldt Bay tributaries to the extent of tidal influence and seaward to the westward extent of the Entrance Channel jetties.
- b. Humboldt Bar Pilots Association: A partnership of individuals licensed to perform pilotage in Humboldt Bay. This partnership was formed in 1965 to unify Pilots and bring competition between Pilots to an end.
- c. Pilot: A trained individual licensed by the federal government and the Humboldt Bay Harbor, Recreation and Conservation District to safely conduct a ship in and out of the waters of Humboldt Bay.

ARTICLE 2 DUTIES OF PILOTS ON HUMBOLDT BAY

SECTION 2.1 Pilotage on Humboldt Bay

- a. Pilots on Humboldt Bay must possess a federal Pilot's license and a HBHRCD Pilot's license. All foreign vessels and U.S. flagged vessels not sailing under a coastwise endorsement issued by the U.S. Coast Guard, except vessels under 300 gross tons, navigating Humboldt Bay, are required to use a Pilot holding current licenses for Humboldt Bay.
- b. Pilots in Humboldt Bay are required to be members of the Humboldt Bar Pilots Association (a partnership). Association members are self employed but are individually licensed by the Humboldt Bay Harbor, Recreation and Conservation District.
- c. The Humboldt Bay Bar Pilots are required to be available with 24 hour notice prior to ship arrival.
- d. Pilots are not required to be maintained on station.
- e. Radio watch is to be maintained on VHF Channel 16 one hour prior to arrival at the sea buoy.
- f. Vessels are to be boarded and disembarked approximately 1.2 miles off of Humboldt Bay.
- g. Pilotage is coordinated by the local stevedoring company who act as local agents for the steamship companies.
- h. There shall be a minimum of two Pilots plus one back-up Pilot.
- i. Pilots shall work ships on a rotational basis.

SECTION 2.2 Pilot – Master Interface

- a. Master-Pilot Conference
 1. Each Pilotage assignment should begin with a conference between the Pilot and the Master.
 2. The initial conference is an opportunity not only to exchange information that the Pilot and Master each needs, but also for the Pilot and the Master to establish an appropriate working relationship.
 3. The conference should convey, and be consistent with, the principle that the Pilot and the Master/bridge crew each has an important role in the navigation of the vessel.
 4. The amount and subject matter of the information to be exchanged in the initial conference should be determined by the specific navigation demands of the pilotage operation.

b. Pilot's Information Card ("MPX Card")

1. The Humboldt Bar Pilots Association will develop information cards (MPX Cards) for use by their members.
2. The Pilot should give the card to the Master at the time of the initial conference and use it as the basis for discussion during the conference.
3. The card should supplement, not substitute for, the Master/Pilot information exchange.
4. There should be a separate card for outbound and inbound movements and shifting operations when appropriate.
5. The card should include information or instructions specific to navigation in Humboldt Bay. Subjects to be addressed include:
 - radio channels to be monitored;
 - posting of anchor watch/lookout (beyond the requirements of the Rules of the Road; and
 - local navigation requirements or restrictions (tug escorts, speed limits, one-way traffic areas, etc.).
6. The card should also include instructions or requests concerning what the Pilot needs from the Master and crew; subject that might be addressed include:
 - information about the vessel, its characteristics and condition;
 - crew to fix position of the vessel; and
 - only English to be spoken on the bridge.
7. The card should have a blank space for the Pilot to add own items.
8. The Board of Commissioners of the HBHRCD shall approve the card.

c. Pilot's Individual Exchange Practice

1. Each Pilot should develop a personal, standardized conference practice, taking into account regulatory requirements and best practices in pilotage.
2. Pilots should consider using memory aids to ensure that essential exchange items are covered.

d. Absent/Unwilling/Incapable Master

1. An effective exchange requires the participation of a Master who is present, is willing, and has sufficient skills, knowledge, and English language proficiency to provide the information needed by the Pilot and to understand the Pilot's instructions and requests.
2. Pilots should be aware of regulatory requirements for Masters to provide specific information to the Pilot and to cooperate closely with the Pilot.
3. The Pilot should make all reasonable efforts to obtain the presence of the Master for purposes of conducting a conference.
4. If the Master or Bridge crew fails to provide the information needed by the Pilot or if an unsatisfactory exchange leads the Pilot to doubt the ability of the Master or bridge crew to perform the navigation duties normally expected during the vessel movement, the Pilot should use his or her best professional judgement to determine whether it is safe to proceed with the movement.
5. If a Pilot determines that a movement can safely proceed despite an unsatisfactory exchange, the Pilot should adjust his or her pilotage practices during the movement accordingly and should report or record the Master's refusal to engage in an exchange or to provide required information.
6. If a Pilot determines that it is not safe to proceed with a vessel movement due to an unsatisfactory exchange, the Pilot should refuse to proceed, advise the Master/bridge crew on anchoring the vessel or taking other steps to secure the vessel's safety, and notify appropriate authorities by the best means available.

e. Ship's Pilot Card/Wheelhouse Poster

1. Pilots should be aware of regulations requiring vessels to have a pilot card and wheelhouse poster containing maneuvering data and other information concerning the ship.
2. If the Pilot, in the exercise of his or her best judgement, considers the information provided orally by the Master about the vessel and its characteristics unclear or insufficient, the Pilot should consult the Pilot card/wheelhouse poster to confirm or supplement information from the Master.
3. Pilots should be aware that information on a pilotcard/wheelhouse poster about a vessel's handling and maneuvering characteristics may not be accurate when maneuvering in Humboldt Bay or local conditions that may be present during the pilotage operation. Such information may be based on "new vessel" conditions, which may be affected by factors such as bottom fouling, propeller/rudder damage or trim.

f. Ships Calling on a Frequent, Regular Basis

1. The information exchange should not be abandoned for vessels that call on a frequent, regular basis. Such vessels have the potential to induce complacency.
2. The exchange for such vessels can, and should, be adjusted with the focus on items, concerning both vessel and pilotage, that may have changed since the previous call or are otherwise pertinent to the particular pilotage operation.

g. Continuing Communication

1. The initial conference should not be the end of communication and information sharing.
2. The Pilot should convey during the initial conference: the need to communicate throughout the pilotage operation, the Pilot's willingness to answer questions, and the Pilot's continuing need for information.

h. Pilot Boarding Locations and Procedures

1. In places where the Pilot boarding location or procedures impose significant constraints on the time or attention that can be devoted to the initial Master-Pilot conference, the Humboldt Bar Pilots Association and the HBHRCD should review whether changing the boarding location and/or procedures would be feasible and would produce significant benefits that could not be obtained through improvements in the conference process.
2. Any proposed change in the Pilot boarding location or procedures should be measured against the traditional principle that Pilot boarding locations and procedures are determined by both the navigational needs of the ship and the personal safety of the Pilot.

i. Training in the Master-Pilot Information Exchange

1. The Master-Pilot information exchange should be an important focus of the initial and continuing training for Pilots, particularly Bridge Resource Management courses for Pilots.
2. Initial training in the Master-Pilot information exchange should cover:
 - regulatory requirements
 - recognition of language, cultural, psychological and physiological impediments to effective communication and interaction and techniques for overcoming those impediments; and
 - best practices for Humboldt Bay.

3. Continuing training should review initial training items and examine recent accidents, new practices of other Pilots and studies dealing with the subject.

ARTICLE 3 PILOT TRAINEE SELECTION PROCESS

SECTION 3.1 Selection Process

- a. The process used to select Pilot Trainee candidates follows general Harbor District hiring procedures, namely, advertisement, acceptance of applications, review of applications and reference checks, interview of the top five to seven candidates, follow-up interviews with the top three candidates and pilot trainee selection. The HBHRCD will conduct the interview and trainee selection process. Individuals enrolled and participating in the Humboldt Bay Pilots Association training program prior to April 22, 1999 are considered accepted into the HBHRCD pilot training program at an equivalent level of training. The experience points portion of the selection process places a greater emphasis on experience and a lesser emphasis on formal education and pilotage endorsements, although the value of those qualities is recognized. An applicant's relationship to a current or former pilot will have no weight during the selection process. In addition, the HBHRCD reserves the right to reject any and all applicants.

SECTION 3.2 Initial Competency

To qualify as a pilot trainee applicant, an individual must:

- a. Pass a pre-employment physical examination per USCG regulations including a drug screen.
- b. Possess a high school diploma or equivalent.
- c. Meet the following criteria:
 1. Possess a copy of the current federal license with endorsement. The federal license shall be on file at HBHRCD office for all pilots working on Humboldt Bay. No Humboldt Bay Pilot License renewal shall be issued without the current federal license on file and;
 2. Three years of full time paid experience as a USCG licensed Master or Chief Mate of an inspected vessel, of not less than 5,000 gross tons, on the waters of any ocean (a valid license must be submitted at the time of filing) or;
 3. Three years of full time paid experience as a pilot whose duties include docking and undocking of oceangoing or coastwise vessels transiting the Pilot grounds in a major

port of the United States or;

4. Three years of full time paid experience as a Master of a tugboat within the confines of Humboldt Bay with an unlimited radar endorsement, or;
5. Possession of a current, valid federal license as master of vessels of at least 1600 gross tons with a unlimited radar endorsement or;
6. Three years paid experience as a Docking Master on flat tow vessels, or;
7. Possession of a current, valid federal license as Master of vessels of any tonnage, any ocean with an unlimited radar endorsement or;
8. Be enrolled and participating in the Humboldt Bar Pilots Association training program prior to April 22, 1999.

SECTION 3.3 Experience Ranking

The following point system may be used to assist in the selection of pilot trainee candidates:

1. Tug Experience
 - Any tug experience (minimum one year in command)
"Command" = Master or operator in charge of vessel 10 Pts.
 - Offshore command experience (not less than 1600 tons
combined tug and tow) 5 Pts.
 - 2 to 5 years command 5 Pts.
 - Over 5 years command 5 Pts.
 - Served as pilot on own vessels (not less than 1600 tons
combined tug and tow, minimum 100 moves) in pilotage
waters. ("Own vessels" means vessels for which applicant
was also the master or second in command.) 5 Pts.
- Tug Experience - Maximum 30 Pts.
2. Deep Draft Experience
 - Any self-propelled vessels in navigation of not less than

1600 gross tons (minimum one year in command or five years equivalent as licensed officer of the watch)	10 Pts.
• In command of self-propelled vessels over 10,000 gross tons	5 Pts.
• 2 to 5 years command	5 Pts.
• Over 5 years command	5 Pts.
• Served as pilot on "own-vessels" (minimum 100 moves) on pilotage waters. ("Own vessels" means vessels for which applicant was also the master or second in command.)	<u>5 Pts.</u>
Deep Draft Experience - Maximum	30 Pts.

3. Piloting Experience

• Serving as commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons (minimum 100 moves) on waters in which a pilot is required by state, federal or foreign law	10 Pts.
• 2 to 5 years	10 Pts.
• Over 5 years	<u>10 Pts.</u>
Piloting Experience - Maximum	30 Pts.

4. Other

(a) Professional Training

• Maritime Academy Graduate (If completed 2 years * - 1 Pt; If completed 3 years * - 2 Pts.)	Maximum	3 Pts.
* and provides documentation to establish that applicant left in good standing		
• Manned Model Simulator		2 Pts.
• Bridge Resource Management	Maximum	<u>1 Pt.</u> 6 Pts.

(b) Pilotage Endorsements
(On Coast Guard License)

- For 1 or more non-local routes (2 Pts.)
- For local route (Humboldt Bay) (3 Pts.*)

Maximum 4 Pts.

* If combined with points for non-local routes,
not more than 4 points total for Pilotage Endorsements.

Other - Maximum 10 Pts.

Experience Points - Total Possible: 100 Pts.

SECTION 3.4 Physical Requirements

- a. Each applicant must provide proof of his/her current satisfactory completion of the physical standards for a First Class Pilot's License determined by the latest USCG Physical and Drug Testing Requirements.
- b. Each applicant must be in good physical condition and have no problems climbing ladders or stairs; possess good night vision, depth perception and have no difficulty with hearing or speech.
- c. Strength to perform average lifting up to 15 pounds and occasionally over 25 pounds; body agility and equilibrium involved in activities such as climbing and balancing under precarious conditions; arm, hand and finger dexterity with both hands involved in activities such as reaching, handling and feeling; good speaking and hearing ability; and good eyesight including good color perception, depth perception and night vision. Persons with medical limitations may, with reasonable accommodations, be capable of performing the duties of some of the positions in this class. Such determination must be made on an individual basis in light of the person's limitations, the requirements of the position, and the appointing authority's ability to effect reasonable accommodations to the limitations.

ARTICLE 4 APPRENTICESHIP AND TRAINING

SECTION 4.1 Apprenticeship and Training

After acceptance as a Pilot Trainee, the applicant must undergo a training and apprenticeship program. The program is designed to familiarize the trainee with the workings of the Humboldt Bar Pilots Association, the interface between the Humboldt Bar Pilots Association and the other oversight agencies, and to demonstrate requisite skills and judgment. One other key goal of the apprenticeship program is to allow the trainee to acquire "local knowledge."

The apprenticeship and training will consist of the following components:

- a. The length of the program shall consist of a minimum of one (1) year and a maximum of three (3) years. If ship traffic falls below 45 in a one year period, the Program may be extended by the HBHRCD Board of Commissioners.
- b. The Pilot training and apprenticeship program is divided into two stages. Stage 1 is termed an "Observing Apprentice". Stage 2 is termed the "Apprentice Pilot". The "Observing Apprentice" pilot shall complete at least twenty (20) round trips (40 ship movements) across the Humboldt Bay Entrance before advancing to "Apprentice Pilot" status. One round trip shall consist of the riding of one ship inbound and riding one ship outbound. Riding of the same ship inbound and outbound is not necessary.
 1. Of these 40 ship movements, at least 10 will be made during times of darkness or restricted visibility.
 2. Of the 40 ship movements, at least 15 will be made during the winter.
 3. Of these 40 ship movements, at least 5 round trips shall be made through the Fields Landing Channel of South Bay.
- c. Maneuvering of any ship by an Apprentice Pilot shall be under direct supervision of a HBHRCD licensed Pilot. Ship handling skills will be observed and the Apprentice Pilot will be gradually passed through phases for more difficult assignments.
- d. Apprentice pilots will be required to ride as observers aboard local vessel-assist tugs during at least ten days in the first six months of the training program.
- e. A written evaluation shall be made after every ship movement involving an Apprentice Pilot by the HBHRCD licensed Pilot.
- f. Simulator training and Bridge Resource Management (BRMP) training for Pilots will be required once during the training program.

g. A training file will be maintained by each apprentice pilot. The checklist will include, but not be limited to, the following items being verified as complete by the Humboldt Bar Pilots:

1. Minimum amount of trips to designated areas within the Port
2. Tugboat observer rides
3. Simulator training
4. Bridge Resource Management training for Pilots
5. Anchoring procedures
6. Lesson learned/incident case review
7. Tug utilization during piloting
8. Local weather patterns
9. Tides and currents
10. Communications
11. Copy of Federal Pilot's License
12. Proof of completion of radar observer unlimited

In addition, the HBHRCD will randomly survey vessel masters for their evaluation of each Apprentice Pilot's ability.

Lengths of each apprenticeship are individually based on assessment of the apprentice's performance. Full qualification is a gradual process, with the apprentice initially qualifying to perform more elementary tasks, then moving to increasingly complex and demanding assignments. Apprenticeships vary in length depending upon the apprentice's previous experience, licenses and qualifications.

Upon completion of the training program outlined above, and the Apprentice Pilot has demonstrated that he/she possesses the necessary skills and knowledge to serve as a licensed pilot for Humboldt Bay, the Humboldt Bar Pilot Association shall notify the HBHRCD that the Apprentice Pilot has completed the training program and shall recommend to the HBHRCD that the Apprentice Pilot be issued a HBHRCD Pilot License for the waters of Humboldt Bay.

The Humboldt Bar Pilots Association may recommend to the HBHRCD, the dismissal of an Observing Apprentice or an Apprentice Pilot from the training program at any time during the Pilot's first year in the program. The HBHRCD may dismiss an Observing Apprentice or an Apprentice Pilot from the program at any time if the HBHRCD determines that the Observing Apprentice or Apprentice Pilot is not making satisfactory progress in the program or that circumstances have changed such that there is no longer a need for an additional HBHRCD licensed Pilot.

ARTICLE 5 PROFESSIONAL DEVELOPMENT

SECTION 5.1 Professional Development

Safe piloting requires that each pilot continue to maintain and improve his or her skills. The Professional Development Program includes the following minimum standards for maintaining proficiency and professional growth. Each pilot will comply with the following in order to be eligible for annual HBHRCD Pilot License renewal:

- a. Possess a current Federal Pilots License with an endorsement for radar observer unlimited.
- b. Pass an annual physical examination as per USCG regulations and participate in a random drug screening program.
- c. Undergo simulator training and Bridge Resource Management Training for Pilots at least once every five years.
- d. Participate in incident case review and lessons learned sessions with other pilots at least twice each year.
- e. Handle at least three ships supervised by a Humboldt Bar Pilot if the pilot has not been an active pilot for a twelve month period.

ARTICLE 6 OVERSIGHT AND ENFORCEMENT

SECTION 6.1 Oversight

The term oversight includes the aggregate of policies which have been adopted to monitor pilot performance and provide feedback on the effectiveness of qualification and training programs, including legal and administrative procedures for the enforcement of pilotage standards. The responsibility for oversight has been delegated by the State to the HBHRCD through the Harbors and Navigation Code.

SECTION 6.2 Enforcement

As previously indicated, pilots licensed by the HBHRCD in the Port of Humboldt Bay are subject to the jurisdiction of the Coast Guard suspension and revocation process whether piloting vessels in coastwise or in foreign trade. When warranted through the apparent commission of a prohibited act or the failure to meet standards on the part of a Coast Guard-licensed individual, the Coast Guard will initiate an investigation to determine the right of an individual to continue to hold a federal pilot's license. Further, when warranted through the apparent commission of a prohibited act, the HBHRCD Board retains its jurisdiction over incidents.

SECTION 6.3 Casualty Investigations

The Coast Guard will investigate to determine cause and proper follow-up action for reportable casualties (groundings, allisions, collisions and personal injury meeting certain thresholds). Follow-up could include no action, recommending operational measures, mechanical solutions or enforcement action against those operating the vessel including the suspension and revocation procedures described above. Drug and alcohol testing is included in a Coast Guard investigation. The Coast Guard will work with the Pilot Association to bring together all pertinent information. The Pilot Association will be requested to advise the Coast Guard on standard practice issues that may come up during the investigation. This process is designed to assist in making an informed decision regarding follow-up actions including disciplinary actions AND/OR lessons learned opportunities.

SECTION 6.4 Casualties Below Reportable Threshold

Groundings, allisions, collisions, or other casualties with no or negligible damage below reportable levels shall result in Humboldt Bar Pilots Association review with probable Coast Guard independent review. The Coast Guard goal will be to identify lessons learned and share these and other relevant information with the Humboldt Bar Pilots Association and vessel operators as appropriate.

SECTION 6.5 Near Miss/Lessons Learned/Situations/Incidents

The "lessons learned" program shall balance the need for near miss information against effects of bringing near miss information to the record. Voluntary programs are historically ineffective for a number of reasons, including concern for maintaining a safe and effective Master-pilot relationship and natural hesitance to volunteer close-call information concerning one's own performance. In recent years the more significant near misses have been dealt with by the Coast Guard in a number of ways including:

- Letters of Concern to vessel management about bridge team performance issues.
- Letters of Warning to Master or vessel management; pilot or pilot management.
- Distribution of an incident report and lessons learned with no personnel action.
- Development or revising of Operational Procedures.
- Pilot management internal actions (procedures, training, etc).

a. Each Humboldt Bay Pilot will:

1. Report to the HBHRCD what reviews of the casualty or incident reports were undertaken and what actions will be taken to prevent similar casualties or incidents.

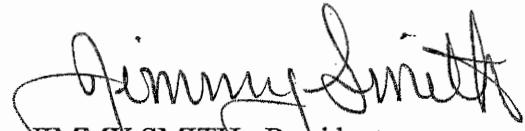
PASSED AND ADOPTED THIS 27TH DAY OF JANUARY 2000, BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:


AYES: COMMISSIONER SMITH, COMMISSIONER CURLESS, COMMISSIONER FRITZSCHE,
COMMISSIONER HUNTER, COMMISSIONER OLLIVIER

NOES:

ABSENT:

ATTEST:


JIMMY SMITH, President
Board of Commissioners


ROY CURLESS, Secretary
Board of Commissioners