

FILE NUMBER: 2024-264

DATE: Tuesday, August 13, 2024

SUBJECT: Authorizing Captain Brian Vanderspek as a San Diego Harbor Pilot

DESCRIPTION: Resolution Authorizing Captain Brian Vanderspek as a U.S. Coast Guard Licensed San Diego Harbor Pilot to Perform Piloting Services for the Navigation of Vessels Entering, Leaving, and Shifting Within San Diego Bay.

EXECUTIVE SUMMARY:

The San Diego Bay Pilots Association (SDBPA) provides pilotage services and navigational assistance for large, ocean-going vessels entering, shifting within, and leaving San Diego Bay. The SDBPA are comprised of District-authorized Pilots and provide pilotage services in an independent capacity, not as officers, employees, agents, or independent contractors of the District. The Board of Port Commissioners (Board) regulates harbor pilots and pilotage rules pursuant to Ordinance 1603 (attachment A). Additionally, the rules, fees and regulations pertaining to pilots and pilotage are set forth in The Port of San Diego Tariff No. 1-G (attachment B). Section XIII, Item 0790, subpart (a) of the Port Tariff provides for the Board to designate the person or persons authorized to perform pilot services at the Port of San Diego, as well as establish the number of pilots that are required for public convenience and necessity.

The SDBPA is currently comprised of four full-time licensed San Diego Bay Harbor Pilots that serve the needs of ocean-going vessels that are calling at the District's maritime terminals. The Association recently changed ownership and management structure. Details of these changes are described under the Discussion Section of this agenda sheet.

The SDBPA is recommending changing from a current four-pilot rotation to a five-pilot rotation to accommodate current and increasing pilotage needs in San Diego Bay. Captain Brian Vanderspek was selected and is being recommended by the San Diego Bay Pilots Association for Board approval to join the SDBPA as a full-time San Diego Harbor Pilot. The San Diego Pilotage Advisory Council, comprised of maritime stakeholders in San Diego Bay, confirmed that Captain Vanderspek has met all relevant criteria as set forth in the Training, Professional Development and Oversight Program for Pilots at the Port of San Diego. Staff is recommending that the Board authorize Captain Vanderspek as a Licensed San Diego Harbor pilot.

RECOMMENDATION:

Adopt a resolution authorizing Captain Brian Vanderspek as a U.S. Coast Guard licensed San Diego Harbor Pilot, performing piloting services for the navigation of vessels entering, leaving and shifting within San Diego Bay.

FISCAL IMPACT:

SDPBA collects and retains all pilotage fees and tariffs to pay the cost of pilot salaries, benefits, and operating expenses. The approval of this agenda will have no fiscal impact to the District.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A thriving and modern maritime seaport.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

The San Diego Bay Pilots Association (SDBPA) provides pilotage services and navigational assistance for large, ocean-going vessels into, within, and out of San Diego Bay. The SDBPA is comprised of District-authorized Pilots and provide pilotage services in an independent capacity, not as officers, employees, agents, or independent contractors of the district.

The Board of Port Commissioners (Board) regulates harbor pilots and pilotage rules pursuant to Ordinance 1603. Additionally, the rules, fees and regulations pertaining to pilots and pilotage are set forth in The Port of San Diego Tariff No. 1-G. Section XIII, Item 0790, subpart (a) of the Port Tariff provides for the Board to designate the person or persons authorized to perform pilot services at the Port of San Diego, as well as establish the number of pilots that are required for public convenience and necessity.

The SDBPA is currently comprised of four full-time licensed San Diego Bay Harbor Pilots that serve the needs of ocean-going vessels that are calling at the District's maritime terminals.

Prior to March 10, 2023, the SDBPA was owned and operated in equal one third partnership between the three San Diego Bay harbor pilots, Mark Jennings, Lyle Donovan, and Bill Bartsch. Captains Jennings and Donovan each sold their shares in full back to the company and transitioned from owners to employees. Simultaneously, Captain Bartsch bought a majority of these shares and is now the majority owner of the association. New pilot trainees, Brian Vanderspek and Trevor Sandlin also purchased shares from the company. Current shareholder distribution for the San Diego Bay Pilots Association is as follows: Bill Bartsch - 74%; Brian Vanderspek - 12%; Trevor Sandlin - 12%.

To responsibly prepare for succession planning and to accommodate all vessel traffic patterns without delay, the San Diego Bay Pilots Association recommends a return to a five-pilot watch rotation.

Currently, four full-time pilots authorized by the Board of Port Commissioners as licensed harbor pilots work cooperatively through the San Diego Bay Pilots Association to service multiple vessel types calling at the Port. As part of succession planning, the SDBPA recommends adding another pilot to the rotation to gain firsthand experience and to create a seamless transition. Authorizing the approval for another pilot will improve pilotage services and help minimize disruptions. Additionally, Maritime is forecasting a 5 to 7% annual increase for break-bulk cargo at Tenth Avenue Marine Terminal for each of the next five years. National City Marine Terminal is steadily rebounding from the vehicle chip shortages and Pasha is projecting a 2% increase for each of the next five years. Long-term Cruise projections indicate growth as well. The forecasted vessel traffic growth will increase pilotage requests.

The San Diego Bay Harbor Pilots (SDBHP) have selected and are recommending Captain Brian Vanderspek as their next harbor pilot. SDBHP recently sent a letter to Port of San Diego's Acting CEO, Randa Coniglio, recommending authorization of Captain Vanderspek to perform piloting services in San Diego Bay for the Association (attachment C). Captain Vanderspek resides in San Diego County and is a competent mariner who possesses an extensive maritime background with over 12 years of seagoing experience.

As a pilot trainee, Captain Vanderspek has two hundred and ninety-eight (298) transits in San Diego Harbor under the supervision and training of the current full-time pilots. Additionally, he recently passed his U.S. Coast Guard First Class Pilot examination for the San Diego Bay region.

The San Diego Pilotage Advisory Council, comprised of maritime stakeholders in San Diego Bay, confirmed that Captain Vanderspek has met all relevant criteria as set forth in the Training, Professional Development and Oversight Program for Pilots at the Port of San Diego (attachment D), submitted by the Port of San Diego Pilot Advisory Council, April 2014, and approved by the Board on September 16, 2014 (Ordinance No. 2780 – attachment E). The District's Maritime Operations staff holds Captain Vanderspek's application package should more information be requested.

Staff recommends that the Port of San Diego Board of Port Commissioners adopt a resolution authorizing Captain Brian Vanderspek as a full-time U.S. Coast Guard Licensed San Diego Bay Harbor Pilot, to perform piloting services for the navigation of vessels, entering, leaving, and shifting within the San Diego Bay.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this staff report and the attachments as presented to it and approves them as to form and legality.

Environmental Review:

The proposed Board action, including without limitation authorizing Captain Brian Vanderspek as a U.S. Coast Guard licensed San Diego Harbor Pilot to perform piloting

services within San Diego Bay, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for development, as defined in Section 30106 of the California Coastal Act, or new development, pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or an exclusion finding is not required.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct impact on DEI workforce or contract reporting at this time.

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Attachment(s):

- Attachment A: Ordinance 1603
- Attachment B: Port of San Diego Tariff No. 1-G
- Attachment C: Pilot Letter to Port of San Diego CEO
- Attachment D: Professional Development Program
- Attachment E: Ordinance 2780