

Minutes of the Scientific Boating Safety Association Meeting
Long Beach, CA
1 May 2006

09:27h

- I. Review of Minutes from last meeting
 - A. Henry begins with review
 1. offers suggestions/changes to manual (none needed)
 - a. Latest copy now has a glossary
 2. unresolved issues
 - a. reciprocity
 - i. at this point, letters or emails okay
 - ii. boat operators should keep track of underway time (in the event that operator is asked for documented time)
 - iii. 4 hours = 1 day at sea (do not have to be an operator, but must be part of the crew [USCG])
 3. Steering Committee
 - a. as per January minutes:
 - i. Mark Flahan
 - ii. Eddie Kisfaludy
 - iii. Steve Clabuesch
 - iv. Henry Fastenau
 - v. Eric Hessel
- II. Pros / Cons of forming a non-profit organization
 - A. Eric Hessel leads group discussion
 1. important to share our experience/skills with members of the SBSA
 2. rather than formalizing a group, should look at the expertise of individuals from the group and organize per specialization (e.g. experience levels range from skiffs to large research vessels, different types engines, etc.)
 3. as new members become involved, offer new ideas/experience/skills that may expand resources of the SBSA
 4. question of administrative support—do we need to organize in that way right now?
 5. internal review
 - a. each institution summarize their program into a more inclusive manual; include new programs starting up
 - b. condense everyone's small boating techniques and skills
 - B. Henry suggests take action
 1. reviewing and discussing good, but need to start taking action and move ahead from now on
 2. time issue

- a. meeting 1 or 2 times per year good, but becomes a time and financial issue (i.e. travel, etc.)
- b. can also “meet” and “discuss” via email

C. Questions re: formalizing group

1. What organizational level short of non-profit status would make sense for this group? (John Douglas)
2. Do we need non-profit status? Advantages? (Gerry Smith)
3. Do we need legal representation? (Derek Smith)
 - a. if not collecting money and do not supersede USCG regulations, may not need legal representation

D. Jim Cvitanovich brings to light new issue with USCG

1. USCG developing a level of licensing below 6-pack
 - a. May start to require these licenses for educational/research institutions carrying passengers (students)
 - i. idea being that students/researchers “pay” to be on the boat via tuition, therefore commercial
 - b. issue still not resolved with USCG
2. may be an exemption for small boats

III. Instructors and Qualifications to Instruct

A. Who is qualified to be an instructor?

1. MOCC instructor certification good first step
2. instructor status determined on each campus or institution

B. Instructing

1. Dept. of Interior (DOI) has criteria for instruction, but it is really an introductory course on boat handling
 - a. May not be sufficient as a qualification to be an instructor
2. Steve Clabuesch (absent at this meeting) had to have trained professors drive boats abroad for Fish and Wildlife
3. how many hours are dedicated to each class as instructor?
 - a. 10-12h prep for first time teaching
 - b. Cost for materials
 - i. Fire extinguishers biggest cost (fire dept. donated use of extinguishers if recharged upon return—Bodega)

C. Maintenance should also be included in training

1. engine maintenance, spare tire change, etc.
2. recommend basic class to be instructor
3. also “steal” training ideas from other programs

IV. Mark Flahan arrives and brings USCG regulations to table again

A. Maritime Institute in San Diego

1. if persons on board pay tuition, USCG may make new requirement to have operators of those boats carry a license
 - a. potential new regulation came about in Catalina Island with a group of school kids on a boat (presumably a field trip, or the like)

2. 60 d and 120 d at sea to be eligible
 - a. 60 d for inland
 - b. 120 d for open ocean
 3. will require time at sea, NASBLA course, exam
 4. timeline: within next year or two
- B. Exemption
1. Captain Tom Althaus, Marine Superintendent at Scripps has a written exemption (not taking paid passengers for hire)
 2. letter of exemption may be difficult to get for institutions other than Scripps
 3. impetus to organize SBSA formally, to address these issues
- V. Formalizing SBSA
- A. Needs
1. bylaws, application for membership, etc. to become credible organization
 2. preparation for the possibility that small boat operators may be required to carry some USCG license
 - a. first form of protection: completed NASBLA approved boating safety course (as per SBSA manual)
- B. Benefits of Non-Profit
1. Mark: authenticity, legal entity and standing, allows us to get insurance, official group
 2. does this open us up for more liability?
 - a. Probably not, if loose group, each individual can be sued; protects board members from being sued as individuals
 3. Eric: minimize administrative work (from Steering Committee standpoint)
 4. need to collect statistics?
 - a. Good to have, maybe work towards having it, but reporting, etc. becomes a time issue
 - b. Individual campuses collect data and also in the same format
 - i. e.g. program running for x # of years, x # of accidents, x # of boats, etc.
 - c. what does SBSA want?
 - i. size of program, # of boats, type of boats, # of operators, days underway, area(s) of operation(s), accidents/incidents involving boat (not passengers on the boat)
 - ii. reciprocity form
- C. Review of bylaws
1. will make a motion to approve bylaws then talk about formalizing as a group
- VI. Bylaws
- A. Line by line review, discussion, edits

12:30h Break for Lunch

13:25h Reconvene

14:05h Break

14:10h Conference call with Cpt. Tom Althaus,

Marine Superintendent of SIO Marine Facilities

USCG has raised issues re: education and passenger issues

- Duke Univ. using vessels to run students out barrier islands to do work
- USCG said not legal, vessel not used for research, outside bounds of uninspected research vessel designation
- further, undergrads paying tuition so by extension, are paying for transportation
- USCG said only way this is legal: to subchapter t passenger vessel

Dec 2004 renewing oceanographic letter of designation (120' uninspected vessel)

- officer in charge asked about students—students that go out are grad students and are research assistants, and therefore employees of the institution; specifically pointed out that they were grad students employed by the institution

If pay in any way for going USCG says it's a passenger vessel, including small boats

- USCG in Moss Landing suggested that would like 46 CFR designation, reissuing letter of designation; marine super able to talk out of that

USCG decentralized and CG decisions made at local level oftentimes, different CG groups may have different interpretations; have to appeal to next authoritative level (district commander in Long beach); after that, goes to Washington

Passengers for hire v. employees

- if students are employees, different
- two types of passengers: crew and "other persons," that are the science party
 - they are not paying customers
 - incident: 1986 delivered new ship, development group wanted to offer people (donors) rides for open house
 - had to get excursion permit. Althaus had to convince USCG that they were not paying customers
 - as long as engaged in oceanography, limnology, or education, stay within boundaries of designated letters; must confirm that operations haven't changed

What if signed up as volunteer?

- at Scripps, anyone going out, even volunteered, hired as non-paid employees by conductors of the cruise so they are covered under worker's compensation
- proper term for science party: "other persons,"
- volunteers also fall under the category, "other persons"

USCG new short programs: 60d/120d

- Scripps operates all vessels with licensed captains

Safe boats launched from larger boat: based on training and experience

- mates are all licensed for unlimited vessels
- res techs not documented in most cases, but probably should be

Discussion of phone call:

- not all grad students are employees, but approved sanctioned diving needs under auspices, can sign up as volunteers (Christian)

At UCSB and Scripps

- all students are signed up as volunteers

State of CA has criteria for who is and who is not a volunteer

- ea. person should carry some document proving they're an employee, registered volunteer

USCG may also consider the size of platform being worked from

- a lot of graduate students and staff that wouldn't fall into crew or "other persons" category
- crew member would have to be licensed

14:35h End Conference Call and Discussion

14:36h Return to Bylaws

VII. Bylaws

A. California Corporate Code 7237?

B. Review of bylaws

1. still need to consider some changes - via email okay

15:55h Break

16:05h Reconvene

VIII. Nomination and Election of Directors

A. President

1. Mark Flahan nominated Henry Fastenau
2. Motion 2nd by Derek Smith
3. Unanimous vote

B. Vice President

1. nominated Mark Flahan
2. Motion 2nd by Derek Smith
3. Unanimous vote

C. Secretary/Treasurer

1. Henry Fastenau nominated Steve Clabuesch (in absentia)
2. 2nd by Derek Smith
3. Unanimous vote

D. Director at Large 1

1. nominated Eric Hessel
2. motion 2nd by Manny Da Silva
3. Unanimous vote

- E. Director at Large 2
 - 1. Discussion between two nominees
 - a. Eddie Kisfaludy and John Douglas (JD)
 - 2. Election by “ballot” to Eddie Kisfaludy

IX. To Do

A. Clean up bylaws and adopt

B. Schedule next meeting

C. Finalize founding members

D. List founding members in bylaws

- 1. stagger elections (define “staggering” in bylaws)
 - a. everyone stay in office for first year
 - b. president, secretary/treasurer continue on for one cycle
 - c. reelect vice president and director at large

E. Must look at process of becoming a formal organization

F. Plan Annual General Meeting

- 1. DOCAL in January
- 2. Election during meeting
 - a. First nominations October 2007
 - b. Election in November 2007 (Vice President and Director at Large #2)
- 3. Start organization officially in January 2007

G. Establish Training Guidelines

H. Data Collection

- 1. # people involved
- 2. boat operators
- 3. boat specs
- 4. # people boating program supports
- 5. # licensed captains within SBSA
- 6. etc.....

I. Investigate procedure for documenting small boats as research vessels

- 1. Eric Hessel is on it

J. USCG regulations issue

- 1. should we do this as individual institutions, as opposed to the group (SBSA) as a whole
- 2. prepare our argument/response
- 3. include statistics to support argument

X. Founding Members of SBSA

A. Discussion to remove or retain Cal Trans as SBSA member

- 1. Eddie Kisfaludy motions to remove Cal Trans from SBSA because they are not a scientific boating organization
- 2. motion 2nd by Mark Flahan
- 3. Discussion
 - a. Definition of “scientific” determined by Board of Directors
 - b. Review membership category in bylaws

- i. no mention that potential members have to be a “scientific organization”
 - ii. there should be an amendment to the bylaws: Article III, Section 3a “...with scientific mission/goal...”
 - c. Cal Trans attended first meeting, provided input, agreed to use SBSA manual; they have an interest in goals of SBSA
 - i. need to look at their work, goals, etc.
 4. Vote
 - a. 7 votes (majority) removes Cal Trans from SBSA
- B. List of founding members created with organization, representative, email address
1. Mark Flahan motions to recognize 16 organizations as founding members of SBSA (Others may be added later)
 2. Motion 2nd by Henry Fastenau
 3. No discussion, unanimous vote
 4. Henry will continue to email entire list with updates, but non-founding members will have to apply for membership

XI. Bylaws

- A. Further edits and approval via email
- B. Final draft for voting will be emailed out on 22 May 2006
- C. Vote by 26 May 2006

2nd day (2 May 2006) of SBSA Meeting Long Beach canceled

Henry Fastenau makes motion to adjourn

Motion 2nd by Derek Smith

Unanimous vote

17:30h Meeting Adjourned

By: Kim Anthony

5/04/06