

I N D E X

THE BOARD OF PILOT COMMISSIONERS
OF THE PORTS OF HARRIS COUNTY, TEXAS

July 26, 2016

<i>Minute No.</i>	<i>Event/Action</i>
	General
	Chairman Longoria convened the meeting of the Board of Pilot Commissioners
	Minutes
(PB-2016-0726-01)	Approve the Minutes of the Board of Pilot Commissioners Meeting – June 28, 2016
	Pilot Matters
(PB-2016-0726-02)	Recommendation for Deputy Branch Pilot Certificate, after meeting full requirements, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Cody R. Lynch
(PB-2016-0726-03)	Recommendation for Deputy Branch Pilot Certificate, after meeting full requirements, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Lawrence L. Frisbie
(PB-2016-0726-04)	Recommendation for Deputy Branch Pilot Certificate, after meeting full requirements, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Douglas E. Kelly
(PB-2016-0726-05)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Sherri L. Hickman
(PB-2016-0726-06)	Abate consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel
	Adjourn Meeting

**Board of Pilot Commissioners for Harris County Ports
Public Meeting**

**Houston, Texas
July 26, 2016**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on July 26, 2016 at 9:56 a.m., at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

Janiece Longoria, Chairman
Theldon Branch, III, Commissioner
Dean E. Corgey, Commissioner
Stephen H. DonCarlos, Commissioner
Clyde E. Fitzgerald, Commissioner
John D. Kennedy, Commissioner
Roy D. Mease, Commissioner
Roger Guenther, Executive Director
Erik Eriksson, Chief Legal Officer
J. Kent Friedman, Orrick, Herrington & Sutcliffe LLP

Chairman Longoria convened the meeting of the Board of Pilot Commissioners.

(PB-2016-0726-01) Chairman Longoria called for a motion to approve the minutes of the June 28, 2016 Pilot Board meeting. Commissioner Mease moved for approval, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

Chairman Longoria asked if there were any appearances; hearing none, she moved to the agenda.

The Pilot Board then considered each Request for Pilot Board Action (“RPBA”) submitted by Chairman Longoria and attached to these minutes as Exhibit “A.”

(PB-2016-0726-02) RPBA F1 was presented, moved by Commissioner Mease, seconded by Commissioner Kennedy. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F1 PASSED.

(PB-2016-0726-03) RPBA F2 was presented, moved by Commissioner Fitzgerald, seconded by Commissioner Kennedy. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F2 PASSED.

(PB-2016-0726-04) RPBA F3 was presented, moved by Commissioner Kennedy, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F3 PASSED.

(PB-2016-0726-05) RPBA F4 was presented, moved by Commissioner Corgey, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F4 PASSED.

(PB-2016-0726-06) RPBA F5 was presented.

Chairman Longoria stated that the Pilot Board Rules provide that once the Pilot Board Investigation and Recommendation Committee ("PBIRC") acts on an item, which it did in this case in December, and applicable reconsideration rights have been exhausted, the PBIRC's findings and recommendations are brought to the Pilot Board for possible action. The matter was brought before the Pilot Board on March 22, at which time the Pilot Board decided to abate its consideration pending action by the National Transportation Safety Board ("NTSB").

Chairman Longoria reported that the NTSB convened a hearing in June, conducted its own maritime casualty investigation of the incident, concluded its investigation, and issued a report of its findings. She noted that the PBIRC had not had the opportunity to review the report and consider these findings, nor had the time period allowed for the pilots to seek reconsideration of the NTSB's findings been exhausted.

For those reasons, Chairman Longoria and Commissioner Kennedy suggested that the Pilot Board abate its consideration and possible action regarding the PBIRC's proposed findings and recommendations regarding the M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel.

Commissioner Mease moved for the Pilot Board to abate consideration of the matter pending the PBIRC's review of the NTSB's findings and expiration of the time allowed for the pilots to appeal the NTSB's findings, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F5 PASSED.

At 10:00 a.m., Chairman Longoria adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the July 26, 2016 meeting of the Pilot Board of the Port of Houston Authority.



Janice Longoria, Chairman



Erik A. Eriksson, Assistant Secretary

F. PILOT MATTERS

Subject	1. Recommendation for Deputy Branch Pilot Certificate, after meeting full requirements, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Cody R. Lynch.
Meeting	Jul 26, 2016 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS
Access	Public
Type	Action
Recommended Action	The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its July 26, 2016 meeting, approve the appointment of Captain Cody R. Lynch, after meeting full requirements, as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:

Pilots Matters

Department:

Pilot Administration

Staff Contact:

Erik Eriksson

Background:

The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:

Captain Cody R. Lynch has applied for certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Sean M. Cook expressing his willingness to appoint Captain Cody R. Lynch as Deputy Branch Pilot and to act as his Master for the proposed deputyship of three years, and evidence of Captain Lynch's ability to enter into a faithful performance bond in the amount of \$25,000 payable to the Governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that, upon U.S. Coast Guard issuance of his First Class Pilot's License, which is expected shortly, Captain Cody R. Lynch will meet the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.034, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Cody R. Lynch for Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar, after meeting full requirements. Such commission is for a three-year term.

F. PILOT MATTERS

Subject	2. Recommendation for Deputy Branch Pilot Certificate, after meeting full requirements, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Lawrence L. Frisbie.
Meeting	Jul 26, 2016 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS
Access	Public
Type	Action
Recommended Action	The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its July 26, 2016 meeting, approve the appointment of Captain Lawrence L. Frisbie, after meeting full requirements, as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:
The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:
Captain Lawrence L. Frisbie has applied for certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Gilberto B. Martinez Jr. expressing his willingness to appoint Captain Lawrence L. Frisbie as Deputy Branch Pilot and to act as his Master for the proposed deputyship of three years, and evidence of Captain Frisbie's ability to enter into a faithful performance bond in the amount of \$25,000 payable to the Governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that, upon U.S. Coast Guard issuance of his First Class Pilot's License, which is expected shortly, Captain Lawrence L. Frisbie will meet the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.034, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Lawrence L. Frisbie for Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar, after meeting full requirements. Such commission is for a three-year term.

F. PILOT MATTERS

Subject	3. Recommendation for Deputy Branch Pilot Certificate, after meeting full requirements, as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Douglas E. Kelly.
Meeting	Jul 26, 2016 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS
Access	Public
Type	Action
Recommended Action	The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its July 26, 2016 meeting, approve the appointment of Captain Douglas E. Kelly, after meeting full requirements, as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:
The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:
Captain Douglas E. Kelly has applied for certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Donald C. King expressing his willingness to appoint Captain Douglas E. Kelly as Deputy Branch Pilot and to act as his Master for the proposed deputyship of three years, and evidence of Captain Kelly's ability to enter into a faithful performance bond in the amount of \$25,000 payable to the Governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that, upon U.S. Coast Guard issuance of his First Class Pilot's License, which is expected shortly, Captain Douglas E. Kelly will meet the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.034, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Douglas E. Kelly for Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar, after meeting full requirements. Such commission is for a three-year term.

F. PILOT MATTERS

Subject	4. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Sherri L. Hickman.
Meeting	Jul 26, 2016 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS
Access	Public
Type	Action
Recommended Action	The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its July 26, 2016 meeting, recommend to the Governor the commission renewal of Captain Sherri L. Hickman as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective October 26, 2016, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:

Captain Sherri L. Hickman has applied for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application included proof of continued education training in Raven Electronics Navigation Systems Training, Restricted Visibility Navigation for Pilots, Legal Aspects of Piloting, Automatic Radar Plotting Aids (ARPA), Collision Regulations for Pilots (Col-Regs-Pilots), Incident Management for Pilots, and Radar Observer (recertification), and a request on her behalf from the Houston Pilots with evidence of her ability to enter into a faithful performance bond in the amount of \$25,000 payable to the Governor.

After an assessment of her qualifications and the documents filed with her application, the ARC determined that Captain Sherri L. Hickman meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Sherri L. Hickman for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

F. PILOT MATTERS

Subject **5. Consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel.**

Meeting Jul 26, 2016 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its July 26, 2016 meeting, consider and possibly take action regarding the Pilot Board Investigation and recommendation Committee's proposed findings and recommendations regarding the M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

The Secretary of the Pilot Board may refer reports of marine casualties and complaints alleging violations of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar to the Pilot Board Investigation and Recommendation Committee (PBIRC) for investigation, hearing, and recommendation to the Pilot Board.

Staff Evaluation/Justification:

The PBIRC convened on December 8, 2015, and held a formal hearing to receive testimony and consider the facts in the matter of the M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel, and propose findings and recommendations regarding the matter.

The following PBIRC members were in attendance:

- Captain Marcus Woodring (PBIRC Chairman)
- Captain Michael Morris (Presiding Officer Houston Pilots Association)
- Captain Michael Curtiss (Houston Pilots Association)
- Captain Sean Arbogast (Houston Pilots Association)
- Captain Richard Ford (U.S. Coast Guard retired)
- Captain David Foret (Port of Houston Maritime Industry)
- Paul Caruselle (Port of Houston Maritime Industry)
- Tom Marian (Port of Houston Maritime Industry)
- Mark Bottiglieri (U.S. Coast Guard nonvoting member)

Captain Mike Usher, as Compliance Coordinator for the PBIRC, presented incident materials he collected regarding the collision; Captain Chris Reeser, Captain Larry Evans, and Captain Jay Rivera, as expert witness to Captain Reeser, gave testimony regarding the circumstances.

Erik Eriksson attended the hearing as counsel representing the Pilot Board, Jim Brown attended as counsel representing Captain Reeser, and Keith Letourneau attended as counsel representing Captain Evans. Finally, Paul Lonardo, U.S. Coast Guard Sector Houston-Galveston, also attended the hearing.

1. Regarding Captain Reeser: Following its deliberations, by a vote of 8 to 0, the PBIRC proposes the following findings to the Pilot Board:

a. Proposed Findings:

Captain Reeser acted with prudent seamanship in the handling of the M/V CONTI PERIDOT by slowing to ensure adequate separation in an anticipated meeting/overtaking situation and did not receive the posted RPM's, when ordered, to recover.

b. Proposed Recommendations:

i. Take no action, close to file.

ii. To the Houston Pilots: Ensure all Houston Pilots are periodically made aware of the recently issued Sector Houston-Galveston Marine Safety Information Bulletin (MSIB) 2015, Bridge to Bridge Communications, specifically the sentence that states "Mariners may use Pilot identifiers (unit number or the like) in addition to the vessel's official name when communicating within the VTSA." Failure to comply may be considered in future PBIRC hearings.

iii. To the Houston Pilots: Ensure all Houston Pilots are periodically made aware of U.S. Coast Guard Marine Safety Alert (MSA) 1315, Ultra Low Sulfur Fuel Oil and Compliance with MARPOL Requirements, specifically the bullet that states "As part of the master-pilot information exchange (as required by 33 CFR 164.11(k)), discuss the vessel's maneuvering characteristics, including any change in RPM's associated with ULS fuel oil." Failure to comply may be considered in future PBIRC hearings.

iv. To the Houston Pilots: Encourage all Houston Pilots to enter "ship notes," as needed, in a timely fashion to improve safety.

v. Captain Reeser was directed to immediately enter his "ship notes" for the handling characteristics of the M/V CONTI PERIDOT.

vi. Captain Reeser was directed to work with Houston Pilots, Captain Ewing, and the Maritime Pilot's Institute (MPI) to develop (or refine) a Bridge Resource Management Pilots (BRMP) module that emphasizes the Pilot leadership role on the bridge team.

2. Regarding Captain Evans: Following its deliberations, by a vote of 80, the PBIRC proposes the following findings to the Pilot Board:

a. Proposed Findings:

Captain Evans displayed prudent seamanship in the handling of the M/T CARLA MAERSK.

b. Proposed Recommendations:

i. Take no action, close to file.

ii. To the Houston Pilots: see 1(b)(ii) above.

At its meeting of March 22, 2016, the Pilot Board determined to abate action on this casualty pending action by the National Transportation Safety Board (NTSB), which as lead investigator conducted a joint marine casualty investigation with U.S. Coast Guard Sector Houston-Galveston on this incident. The NTSB has now completed this investigation and filed a safety investigation report on the matter. The NTSB report along with all materials associated with this matter have been provided to the Pilot Board.