

## INDEX

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

October 25, 2016

<i>Minute No.</i>	<i>Event/Action</i>
	<b>General</b>
	Chairman Longoria convened the meeting of the Board of Pilot Commissioners
	<b>Minutes</b>
(PB-2016-1025-01)	Approve the Minutes of the Board of Pilot Commissioners Meeting – September 27, 2016
	<b>Appearances</b>
(PB-2016-1025-02)	There were no appearances
	<b>Pilot Matters</b>
(PB-2016-1025-03)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Thomas J. Cleary
(PB-2016-1025-04)	Recommendation for original Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jason T. Stancil
(PB-2016-1025-05)	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
	<b>Adjourn Meeting</b>

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

**Houston, Texas  
October 25, 2016**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on October 25, 2016 at 10:36 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 R. 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  
Marcus Woodring, Chairman, Pilot Board Investigation and Recommendation Committee ("PBIRC")  
J. Kent Friedman, Orrick, Herrington & Sutcliffe LLP

Chairman Longoria convened the meeting of the Pilot Board.

(PB-2016-1025-01) Chairman Longoria called for a motion to approve the minutes of the September 27, 2016 Pilot Board meeting. Commissioner Mease moved for approval, seconded by Commissioner DonCarlos. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

(PB-2016-1025-02) There were no appearances.

The Pilot Board considered each Request for Pilot Board Action ("RPBA") attached to these minutes as Exhibit "A."

(PB-2016-1025-03) RPBA F1 was presented, moved by Commissioner Corgey, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F1 PASSED.

(PB-2016-1025-04) RPBA F2 was presented, moved by Commissioner Fitzgerald, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F2 PASSED.

(PB-2016-1025-05) RPBA F3 was presented.

Mr. Woodring provided a brief summary of the proposed findings and recommendations of the PBIRC regarding the M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel.

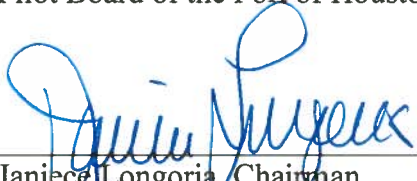
The PBIRC reconvened to reconsider the case in light of the National Transportation Safety Board (“NTSB”) report, and as directed by the Pilot Board. The PBIRC reaffirmed its findings and recommendations, with a minor change to note that the pilot had not gotten full propulsion or rudder. The PBIRC disagreed with the NTSB findings, stating there were no such issues, and felt that the “inability of the pilot to recover” was directly related to the fact, as stated in the NTSB report, that he only received 94 RPMs versus the 105 RPMs indicated on the pilot card, which accordingly was a mechanical issue.

Commissioner Corgey asked whether the use of the new fuel type was an issue; Mr. Woodring replied that the PBIRC could not determine that.

Chairman Longoria asked for a motion to accept the PBIRC’s proposed findings and recommendations. Commissioner Corgey moved for approval, seconded by Commissioner Fitzgerald. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F3 PASSED.

At 10:41 a.m., Chairman Longoria adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the October 25, 2016 meeting of the Pilot Board of the Port of Houston Authority.

  
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Janiece Longoria, Chairman

  
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Erik A. Eriksson, Assistant Secretary

## F. PILOT MATTERS

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<b>Subject</b>	<b>1. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Thomas J. Cleary.</b>
Meeting	Oct 25, 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 October 25, 2016 meeting, recommend to the governor the commission renewal of Captain Thomas J. Cleary as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective February 23, 2017, 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 Thomas J. Cleary 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 Electronic Chart Display Information System (ECDIS), Collision Regulations-Pilots (Col-Regs-Pilots), Incident Management for Pilots, Automatic Radar Plotting Aids (ARPA), Restricted Visibility Navigation for Pilots, Bridge Resource Management for Pilots (BRM-P), Bayport Flare Turn using Manned Model, Raven Electronic Navigation Systems Training, Emergency Shiphandling for Pilots, Error Detection & Use of Advanced Radar Techniques in Restricted Waters, Legal Aspects of Piloting, and a request on his behalf from the Houston Pilots with evidence of his 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 Captain Thomas J. Cleary 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 Thomas J. Cleary 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

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**Subject** 2. Recommendation for original Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jason T. Stancil.

**Meeting** Oct 25, 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 October 25, 2016 meeting, recommend to the governor the commission of Captain Jason T. Stancil as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective February 25, 2017, 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 Jason T. Stancil has applied for commission as Branch Pilot for the Houston Ship Channel and Galveston Bar and expects to successfully complete a three-year deputyship as of February 25, 2017. The application includes proof of continued education training in Manned Model Shiphandling, Raven Electronic Navigation System, Restricted Visibility Navigation for Pilots, Bridge Resource Management for Pilots (BRM-P), Legal Aspects of Piloting, Fatigue, Sleep & Medication Course, Tractor Tug Operations, Radar Observer recertification, and a request on his behalf from the Houston Pilots with evidence of his 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 successful completion of his deputyship, Captain Jason T. Stancil meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.033, 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 Jason T. Stancil for commission as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

## F. PILOT MATTERS

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**Subject**            **3. 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**            Oct 25, 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 October 25, 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/Captain Robert Shearon (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 8 to 0, 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. At its meeting of July 26, 2016, the Pilot Board determined to abate action pending PBIRC consideration of the NTSB safety investigation report. The NTSB report along with all materials associated with this matter have been provided to the Pilot Board.

On August 30, 2016, the PBIRC reconvened the hearing in the CONTI PERIDOT and CARLA MAERSK casualty, at the direction of the Pilot Board, to consider the NTSB report and determine if any changes are warranted to the proposed findings and recommendations from the previous hearing held on December 8, 2015.

Captain Mike Usher, as Compliance Coordinator for the PBIRC, presented the NTSB report regarding the collision; Captain Chris Reeser and Captain Larry Evans attended. Captain Reeser gave testimony regarding the circumstances.

David McNamara 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, Bruce Davies U.S. Coast Guard Sector Houston-Galveston, also attended the hearing.

3. 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:

To amend the findings for Captain Reeser to read:

Captain Reeser acted with prudent seamanship in the handling of the CONTI PERIDOT, by slowing to ensure adequate separation in an anticipated meeting/overtaking situation, and did not receive the posted RPMs or full rudder, when ordered, to recover (change indicated in red).

b. Proposed Recommendations:

To reaffirm proposed recommendations.

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

a. Proposed Findings:

To reaffirm proposed findings.

b. Proposed Recommendations:

To reaffirm proposed recommendations.