

INDEX

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

October 22, 2019

Minute No.	Event/Action
	General
	Chairman Campo convened the meeting of the Board of Pilot Commissioners
	Minutes
(PB-2019-1022-01)	Approve the Minutes of the Board of Pilot Commissioners Meeting – September 24, 2019
	Pilot Matters
(PB-2019-1022-02)	Staff Report – Selected agenda items – Marcus Woodring, Chief Port Security and Emergency Operations Officer
(PB-2019-1022-03)	Consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/T GENESIS RIVER collision with UTV VOYAGER on May 10, 2019 in the Houston Ship Channel
(PB-2019-1022-04)	Consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019 in the Houston Ship Channel
	Recess Open Meetings and Convene Executive Session
	Reconvene Open Meeting
	Adjourn Meeting

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

**Houston, Texas
October 22, 2019**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on October 22, 2019 at 11:12 a.m., at the Port of Houston Authority Executive Office, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

Ric Campo, Chairman
Theldon R. Branch, III, Commissioner
Wendy Cloonan, Commissioner
Dean E. Corgey, Commissioner
Stephen H. DonCarlos, Commissioner
Clyde E. Fitzgerald, Commissioner
Roy D. Mease, Commissioner
Roger Guenther, Executive Director
Erik Eriksson, Secretary and General Counsel
Tom Heidt, Chief Operating Officer
J. Kent Friedman, outside counsel

Chairman Campo convened the meeting of the Pilot Board.

(PB-2019-1022-01) Chairman Campo called for a motion to approve the minutes of the September 24, 2019 Pilot Board meeting. Commissioner DonCarlos moved for approval, seconded by Commissioner Fitzgerald. The minutes were approved as written.

Chairman Campo announced there were no staff reports and moved to pilot matters.

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

(PB-2019-1022-02) Chairman Campo recognized Marcus Woodring, Chief Port Security and Emergency Operations Officer, to provide a report of selected agenda items.

Mr. Woodring advised that the two agenda items were both the result of Pilot Board Investigation and Recommendation Committee (“PBIRC”) hearings. He began with the M/T GENESIS RIVER collision with UTV VOYAGER, and recalled that case, in which a ship hit a barge that was outbound from Houston, was very complex, with 54 attachments provided to the Pilot Board. While the Coast Guard and National Transportation Safety Board were continuing to investigate the matter, the PBIRC had already done so, and issued its findings and recommendations to the pilots who were involved. He advised that the two-week appeal period had ended, and the pilots’ counsel had indicated there would be no appeal of the findings and recommendations of the PBIRC.

Mr. Woodring advised that following its deliberations, by a 5-4 vote, the PBIRC recommended that a Letter of Reprimand be issued to Captain Charpentier and that he attend a Bridge Resource Management class, which he already had. The PBIRC also recommended that he attend a Blue/Brownwater class (which he had signed up for), and that the Houston Pilots consider trim rules for this class of ship. The PBIRC recommended, by a vote of 9-0, that no action be taken for the non-conning pilot on board, and he was commended for coming to the bridge and assisting as the situation unfolded.

Regarding the M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin, Mr. Woodring advised that the PBIRC recommended that no action be taken on Captain Michael Newingham, by a 9-0 vote. He explained that Captain Newingham was turning outbound for sea at Kinder Morgan when he hit an unlit mooring dolphin. The vessel's bow lookouts did not give the pilot correct distances from the dolphin, and Mr. Woodring added that it was his belief that if the mooring dolphin had been lit, it would not have been hit. The Lone Star Harbor Safety Committee is looking into why the aid was extinguished and would add it to the checklist.

In response to Commissioner DonCarlos's inquiries, Mr. Woodring advised there was confusion as to which dolphin they were looking for as the pilot relayed information. Because the dolphin was unlit, the bow lookouts and tugboats were providing ranges for a different dolphin from what the pilot thought was being reported on.

At this time Mr. Woodring remained unsure whether the dolphin had been relit: at last check a few weeks following the incident, it remained unlit. The Lone Star Harbor Safety Committee, Houston Pilots, and Coast Guard have been informed regarding this and the appropriate regulatory authorities were reaching out to get the dolphin lit.

Mr. Eriksson commented that the Pilot Board does not have jurisdiction over the ship's crew and that incidents like this are infrequent. He further commented that a number of the incidents that have been reviewed over the years have involved situations where the ship's crew probably did not do what they were supposed to do, and the pilots were somewhat at the mercy of bad communication or other negligent actions by a ship's crew.

Mr. Woodring continued by advising that the PBIRC looks at whether the pilot acted with prudent seamanship or not. In this instance it was determined that the pilot did act with prudent seamanship, noting that he gave the correct orders but some of the information he received back in this case was apparently not accurate or correct.

Commissioner DonCarlos remarked that he understood it was a privately-owned dolphin and asked if the Pilot Board should have authority to require a dolphin be lit if it was in the ship channel. Mr. Woodring advised that the Coast Guard regulates the dolphins as Aids to Navigation (ATONs) including private ATONs, and the Lone Star Harbor Safety

Committee provides a voluntary, but short of regulatory, effort. David Foret, who was a PBIRC member, heads up the facilities committee of the Lone Star Harbor Safety Committee, which visits facilities to ensure they are operating safely and has reached out to Kinder Morgan.

Commissioner DonCarlos noted that he felt communication was a problem that could not be solved and that he understood the difficulty, since the Pilot Board could not regulate ships' crews. He added that it seemed like a tenuous situation when pilots must rely on information which may or may not be correct.

Mr. Woodring advised that the Bridge Resource Management course offered to pilots addressed interactions with the ship's crew when coming onboard and while on the bridge operating the ship, and clear and concise communication, but that did not mean that on a particular ship the bow lookout would give an accurate distance reading. For example, when the pilot asked how far away the dolphin was, the lookout can only provide a reading of a lit dolphin which could be 75 yards away versus an unlit dolphin that was only 10 yards away.

Mr. Woodring advised that recommendations were made and cases discussed through the Lone Star Harbor Safety Committee. The Houston Pilots also go back to their own safety committee to discuss incidents that occurred and how to overcome them. While the formal recommendation may not encompass all those details, those things were also undertaken.

Chairman Campo asked if there were any other questions; there were none.

(PB-2019-1022-03) RPBA F1 was presented, moved by Commissioner Branch for approval, seconded by Commissioner DonCarlos. Chairman Campo, and Commissioners Branch, Cloonan, Corgey, DonCarlos, Fitzgerald, and Mease voted Aye. Nays none. RPBA F1 PASSED.

(PB-2019-1022-04) RPBA F2 was presented, moved by Commissioner Branch for approval, seconded by Commissioner DonCarlos. Chairman Campo, and Commissioners Branch, Cloonan, Corgey, DonCarlos, Fitzgerald, and Mease voted Aye. Nays none. RPBA F2 PASSED.

At 11:23 a.m., Chairman Campo instructed Mr. Eriksson to make the following announcement:

It is now 11:23 a.m. The Board of Pilot Commissioners for Harris County Ports will now convene in a closed meeting, as permitted by the Texas Open Meetings Act and Government Code to conduct a private Consultation with

Attorneys (*Section 551.071, Texas Open Meetings Act*), including consultation regarding the powers and duties of the Board of Pilot Commissioners. The Board of Pilot Commissioners will reconvene in public session after the closed meeting is adjourned.

Immediately thereafter the Pilot Board retired into closed session.

At 11:47 a.m., Chairman Campo reconvened the open meeting of the Board of Pilot Commissioners for Harris County Ports at the Port of Houston Authority Executive Office, at 111 East Loop North, Houston, Texas 77029, with the following Commissioners, staff, and counsel in attendance:

Ric Campo, Chairman
Theldon R. Branch, III, Commissioner
Wendy Cloonan, Commissioner
Dean E. Corgey, Commissioner
Stephen H. DonCarlos, Commissioner
Clyde E. Fitzgerald, Commissioner
Roy D. Mease, Commissioner
Roger Guenther, Executive Director
Erik Eriksson, Secretary and General Counsel
Tom Heidt, Chief Operating Officer
J. Kent Friedman, outside counsel

Chairman Campo announced there was no action to come out of Executive Session and added that he wanted to make a general comment before adjourning. He advised there had been appointments by the governing bodies that name the Pilot Board members based on S.B. 1915, and noted there were complications and questions surrounding the existing pilot commissioners' terms and how the transition works. Staff had been asked to meet, between now and the next Pilot Board meeting, with the Houston Pilots and the various parties involved in the transition from the current Pilot Board members to the new members, to make recommendations to ensure continuity between the old group and new group, and on how to move forward and to create a transition plan to vote on at the next meeting.

Chairman Campo announced the next meeting was December 11, 2019 and at 11:50 a.m. adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the October 22, 2019 meeting of the Pilot Board.

A handwritten signature in black ink, appearing to be 'Ric Campo', written over a horizontal line.

Ric Campo, Chairman

A handwritten signature in black ink, appearing to be 'Erik A. Eriksson', written over a horizontal line.

Erik A. Eriksson, Secretary

F. PILOT MATTERS

Subject	1. Consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/T GENESIS RIVER collision with UTV VOYAGER on May 10, 2019 in the Houston Ship Channel.
Meeting	Oct 22, 2019 - 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 22, 2019 meeting, consider and possibly take action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/T GENESIS RIVER collision with UTV VOYAGER on May 10, 2019 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 August 22, 2019, and held a formal hearing to receive testimony and consider the facts in the matter of the M/T GENESIS RIVER collision with UTV VOYAGER on May 10, 2019, 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 Mark Mitchem (Presiding Officer, Houston Pilots Association)
 Captain Michael Curtiss (Houston Pilots Association)
 Captain Steve Nelson (Houston Pilots Association)
 Captain Richard Ford (U.S. Coast Guard retired)
 Captain Richard Russell (Port of Houston Maritime Industry)
 Captain David Foret (Port of Houston Maritime Industry)
 Paul Caruselle (Port of Houston Maritime Industry)
 Tom Marian (Port of Houston Maritime Industry)

Captain Tyler Gavis, as Compliance Coordinator for the PBIRC, presented incident materials he collected regarding the collision, and Captains Jason Charpentier and Barry Craig Holland gave testimony regarding the circumstances.

Erik Eriksson attended the hearing as counsel representing the Pilot Board, and Jim Brown attended as counsel representing Captains Charpentier and Holland.

Proposed Findings re Captain Charpentier Following its deliberations, by a vote of 6-3, the PBIRC proposed the following findings:

The unprecedented and unknown shoaling in the vicinity of the Bayport Flare contributed to the M/T GENESIS RIVER shearing to port. Captain Charpentier was unable to recover due to a poor handling ship. Captain Charpentier briefly lost situational awareness which impacted his ability to consider all options to avoid a collision.

It is noted by the PBIRC that Captain Charpentier maneuvered the M/T GENESIS RIVER, in an "in extremis" situation, to collide with the barges instead of the Tug VOYAGER, potentially saving lives.

Proposed Recommendations re Captain Charpentier Following its deliberations, by a vote of 5-4, the PBIRC proposed the following recommendations to the Board of Pilot Commissioners for Harris County Ports ("the Pilot Board"):

Issue a Letter of Reprimand to Captain Charpentier.

- a. The Houston Pilots are directed to consider trim rules for this class of ship based on poor handling characteristics.
- b. Captain Charpentier is directed to attend the next convening of the Blue/Brownwater class.
- c. Captain Charpentier is directed to attend a Bridge Resource Management class by the end of March 2020.

Proposed Findings re Captain Holland Following its deliberations, by a vote of 9-0, the PBIRC proposed the following findings:

Captain Holland was the non-conning pilot and not involved in the collision.

It is noted by the PBIRC that Captain Holland immediately responded when called to the bridge and assisted Captain Charpentier with managing the aftermath of the collision.

Proposed Recommendations re Captain Holland Following its deliberations, by a vote of 9-0, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports ("the Pilot Board"):

Take no action and close the matter to file.

F. PILOT MATTERS

Subject	2. Consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019 in the Houston Ship Channel.
Meeting	Oct 22, 2019 - 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 22, 2019 meeting, consider and possibly take action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019 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 August 22, 2019, and held a formal hearing to receive testimony and consider the facts in the matter of the *M/V GOLDEN GLORY* allision with Kinder Morgan #3 mooring dolphin on January 30, 2019, 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 Mark Mitchem (Presiding Officer, Houston Pilots Association)
 Captain Michael Curtiss (Houston Pilots Association)
 Captain Steve Nelson (Houston Pilots Association)
 Captain Richard Ford (U.S. Coast Guard retired)
 Captain Richard Russell (Port of Houston Maritime Industry)
 Captain David Foret (Port of Houston Maritime Industry)
 Paul Caruselle (Port of Houston Maritime Industry)
 Tom Marian (Port of Houston Maritime Industry)

Captain Tyler Gavis, as Compliance Coordinator for the PBIRC, presented incident materials he collected regarding the collision, and Captain Michael Newingham gave testimony regarding the circumstances.

Erik Eriksson attended the hearing as counsel representing the Pilot Board, and Jim Brown attended as counsel representing Captain Newingham.

Proposed Findings re Captain Newingham Following its deliberations, by a vote of 9-0, the PBIRC proposed the following findings:

Captain Newingham exercised prudent seamanship in planning the turning evolution and did not receive appropriate ranges to the dolphin (which had an extinguished light) by the bow lookouts.

Proposed Recommendations re Captain Newingham Following its deliberations, by a vote of 9-0, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports ("the Pilot Board"):

Take no action and close the matter to file.

Request that the Lone Star Harbor Safety Committee, at their next full committee meeting, discuss the need to maintain private lighted structures in working condition, for navigational safety. Further recommend that the Facilities Sub-Committee of the Lone Star Harbor Safety Committee discuss the need to maintain private lighted structures in working condition, for navigational safety, with facilities during all future visits.