

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

**Houston, Texas
March 11, 2021**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on March 11, 2021 at 2:02 p.m. at the offices of the Houston Pilot Board, 203 Ivy Avenue, Deer Park, Texas 77536, as well as virtually via Zoom webinar. The following commissioners and others were present:

Captain Reginald McKamie, Chairman
Michel Bechtel, Commissioner
Frances Castañeda Dyess, Commissioner (present virtually)
Roland Garcia, Commissioner (present virtually)
Brad Hance, Commissioner
Darrell Morrison, Commissioner
Bruce Oakley, Commissioner
Captain M. Tyler Gavis – Executive Director and Secretary
Rachel de Cordova, General Counsel (present virtually)
David McNeal, General Counsel
Captain David Foret Jr., Chairman, Pilot Board Investigation and Recommendation Committee (PBIRC)
Captain Stephen Polk, Chairman, Pilot Board Application Review Committee (ARC)

Chairman McKamie convened the meeting of the Pilot Board by asking Captain Gavis to call roll. Captain Gavis called the roll and noted that all were present apart from Commissioner Oakley. Captain Gavis noted that the Pilot Board had established a quorum and welcomed newly appointed Commissioner Parris Beverly (who was awaiting some documentation prior to being officially onboarded). Chairman McKamie welcomed everyone and stated that he didn’t have any remarks. Chairman McKamie then proceeded to the meeting minutes.

(PB-2021-0311-01) Minutes

Chairman McKamie called for a motion to approve the minutes of the February 11, 2021 Pilot Board meeting. Commissioner Bechtel moved for approval, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0311-02) Appearances

(a) Captain Robert Thompson, Presiding Officer, Houston Pilots, addressed the Pilot Board. He stated that the freeze had been tough on them, and that they did not have water for several days at the office. Captain Thompson commended the dispatchers for working three days straight and added that the pilots shut down at night due to the road conditions. Captain Thompson added that they managed to move the smallest

number of ships he has seen during a 3-to-4-day period during the daytime. He then added that fog also affected them, and business ended up down 25% for the month of February. Captain Thompson next stated he expected business to be back up in March and added he would defer further comments until later in the meeting. Chairman McKamie applauded the Houston Pilots for their efforts during the freeze.

Chairman McKamie sought public comment, but there was none.

(b) There were no public comments.

(PB-2021-0311-04) Staff Reports

(a) Chairman McKamie recognized PBIRC Chairman Captain David Foret Jr.

Captain Foret stated that since the last meeting he and Captain Gavis met with the investigations team from MSU Texas City to continue to foster a good relationship, as they had previously done with the Houston investigations team. Captain Foret then added that the PBIRC subcommittee met on March 9, 2021 and reviewed 13 potential cases (of which they voted to move one to a full PBIRC hearing). Captain Foret added that most of the cases were caused by shoaling, or loss of propulsion/ steering. He then added that they had one other case that they were awaiting more information on and proceeded to explain the PBIRC's recommendation of the appointment of Captain Mike Usher to fill the vacant PBIRC position. Captain Gavis and Chairman McKamie then thanked Captain Foret for all his time and efforts.

(b) Chairman McKamie recognized ARC Chairman Captain Stephen Polk.

Captain Polk stated that the ARC met on Tuesday and approved six applications, which brought the total to 9 applications that the ARC recommends for approval. Captain Polk then expressed his concern of a possible communications failure in being notified of possible problems in applications that his committee has already approved the day of the Pilot Board meetings. Captain Polk requested that the issue be addressed, and that all nine applications on the agenda be approved. Chairman McKamie added that he agreed that the process could be improved and made the other Commissioners aware that concerns over the applications were brought up just before the Pilot Board meeting. Conversation ensued about how the process could be improved upon. Captain Polk then added that some improvements had been made in sharing the documents ahead of time in SharePoint, and commended Captain Gavis for his work with the committee. Commissioner Morrison asked Captain Polk about the process, of which Captain Polk went into further detail. Commissioner Morrison then suggested Captain Gavis work with the committee to get it figured out, to which Captain Gavis stated that he would.

(c) Chairman McKamie asked Captain Gavis to provide an update on the status of Pilot Board matters.

Captain Gavis stated that it had been a busy week with the ARC meeting, and a PBIRC subcommittee meeting immediately thereafter. He then explained the process of scheduling the upcoming PBIRC hearing and added that he was working to remain engaged with the local maritime industry. He ended by asking if there were any questions for him, of which there were none. Chairman McKamie then again emphasized the importance of getting the ARC processes smoothed out and apologized for the growing pains.

(d) Chairman McKamie asked Ms. de Cordova to provide an update on the status of Pilot Board legal matters.

Ms. de Cordova stated that she would reserve her comments for when they were needed later in the meeting.

(PB-2021-0311-03) Chairman McKamie moved to agenda item F1 “March 2, 2021 letter received from the Federal Maritime Commission (FMC)” by describing a letter he had received from the Federal Maritime Commission he felt demanded answers about the 1,100’ vessels coming into the port. He added the letter was also sent to Port Houston. Chairman McKamie then described his take on the letter and added that it was not for the Pilot Board to respond to, as the FMC does not have authority over the Houston Pilot Board. He added that he prepared a letter to send to the FMC, but that after he prepared the letter that the Port of Houston responded. He then added that Commissioner Garcia also prepared a letter he felt would be more appropriate and proceeded to summarize that letter. Chairman McKamie recommended that the Pilot Board respond to the FMC with Commissioner Garcia’s letter.

Commissioner Morrison then added that he asked Captain Gavis to review the background on this matter. Captain Gavis added that he understood that this letter stemmed from a casual FMC visit that occurred over a year ago at the port and that he understood the port to be just as surprised by the letter as the Board was. Chairman McKamie reiterated his thought that the FMC did not have authority over the Pilot Board and that responding with Commissioner Garcia’s letter would be most appropriate. Commissioner Garcia added that he felt the letter from the FMC was pretty strong and proceeded to provide his analysis of the letter.

Captain Gavis welcomed Commissioner Oakley, who joined the meeting virtually. Niels Aalund, Senior Vice President of Maritime Affairs with WGMA, provided his observation that the Federal Maritime Commission had been weighing in more frequently

on matters around the country. Chairman McKamie thanked Mr. Aalund for his comments and daily reports.

Commissioner Beverly added his analysis of the letter received from the FMC and asked if the Board understood the impacts of the letter. Chairman McKamie added that the Houston Pilots were well aware of the impacts and were trying to figure out the best way to address the issue being raised. Captain Thompson added that safety is their main concern, and that they are looking at avenues to being able to safely accommodate these vessels. Captain Thompson then stated that the Houston Pilots are remaining in touch with the containerships and Enterprise.

Chairman McKamie called for a motion to send Commissioner Garcia's letter on behalf of the Pilot Board, moved by Commissioner Garcia, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0311-04) Chairman McKamie then moved to agenda item F2 "Board Funding Options and Issues" by stating that due to the issues surrounding the recent freeze, and Covid, he did not think the Pilot Board would be able to get the legislation pushed through as he had hoped. He added that the Senator who passed the bill creating the new Pilot Board stated that there is a provision within the bill that gives the Pilot Board the ability to do what they need to do to complete the activities needed as the Board. He added that the Pilot Board would proceed under that provision of the law and would have meetings to include all of the stakeholders. Commissioner Bechtel added they went to Senator Alvarado's office, and that after weeks' worth of work it was decided that the authority was already there to seek funding. Chairman McKamie then reemphasized that the Board would work with industry to find the best solutions.

Commissioner Garcia emphasized that the Board did their due diligence in seeking the legislation, and that the lawmakers themselves determined that the Pilot Board has the authority to impose fees. Chairman McKamie thanked Commissioner Garcia for his insight.

(PB-2021-0311-05) Chairman McKamie moved onto agenda item F3, "Updates from Pilot Board Subcommittees" by stating they had already addressed the legislative committee. He then proceeded to describe the formation of the navigation committee, which would work to advise the Pilot Board of what's happening in the maritime community. Captain Gavis added that he spoke to Captain Foret and determined that the Lone Star Harbor Safety Committee would be meeting on March 30, which could be a good opportunity to attend with potential navigation committee chair Commissioner Brad Hance. Chairman McKamie proceeded to describe the purpose of the navigation committee to be to create organizational efficiency by having a knowledgeable committee of port

stakeholders apprised a Pilot Board Commissioner of general activity relating to navigation of the ports of Harris County. Chairman McKamie added that the committee could attend industry events such as the Lone Star Harbor Safety Committee meetings as determined by the committee chair. The committee chair would then summarize such activities to the full Pilot Board and eliminate the need for all Commissioners to attend such events. Chairman McKamie added that the committee would be chaired by a Pilot Board Commissioner and include one member appointed by the Presiding Officer of the Houston Pilots, one member appointed by the Coast Guard, and one member appointed by WGMA.

Commissioner Hance added that he was looking forward to going to such meetings. Captain Foret added that he was looking forward to hosting Commissioner Hance at the Lone Star Harbor Safety Committee meetings. Captain Thompson stated that he welcomed what Chairman McKamie's statement said, but that he had still had his reservations. Chairman McKamie said he understood Captain Thompson's concerns and added that other Commissioners would be welcome to attend such meetings if they so choose. Commissioner Hance stated that he intended to attend the industry meetings as he was made aware of them, and he would then report back quarterly to the Pilot Board.

Ms. de Cordova added that the Board needed to remain vigilant not to create a quorum, or open meeting situation. She added it may be a good idea that the Commissioners check in with Captain Gavis prior to attending such meetings. Captain Polk asked what was keeping the Commissioners from attending such meetings currently, and Chairman McKamie added that nothing was as they are open meetings. Captain Foret then recommended that the navigation committee include a brown water representative.

Conversation amongst the Commissioners ensued as to why it was important to adhere to Open Meetings Act requirements. Mr. Aalund, WGMA, added that the daily WGMA report had a calendar section that listed such industry events and encouraged the Commissioners to feel welcome to attend.

Commissioner Morrison then asked if Captain Gavis could send the verbiage Chairman McKamie read detailing the navigation committee to all of the Commissioners, to which Captain Gavis said he would. Captain Thompson then affirmed that he had discussed the verbiage with Chairman McKamie prior to the meeting, to which further conversation ensued.

Chairman McKamie called for a motion to create a navigation subcommittee chaired by Commissioner Hance, moved by Commissioner Bechtel, seconded by Commissioner Garcia. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

Ms. de Cordova added her insight of a recent change to the Open Meetings Act that allows it to be possible to deliberate by emails (on top of oral deliberation). Chairman McKamie thanked Ms. de Cordova and stated the need to be cognizant of such change.

Chairman McKamie asked Commissioner Morrison for an update on the USCG Liaison Committee. Commissioner Morrison stated that they met the day prior at USCG Sector Houston-Galveston with several members of the United States Coast Guard. He thanked Captain Gavis and Captain Plunkett, Houston Pilots, for their assistance in coordinating the meeting. He added that there was great dialogue, and it was a very worthwhile meeting.

Chairman McKamie then requested Commissioner Garcia to provide an update on the Diversity Committee. Commissioner Garcia reported that he requested diversity demographic statistics from the Houston Pilots. He stated that only recently had he made that request, and he knew the Houston Pilots were working on collecting such information. He also mentioned that the Houston Pilots were collecting information relating to their outreach program, and that such information should include both race and ethnicity. Chairman McKamie emphasized that he thought this was an important matter.

(PB-2021-0311-06) Chairman McKamie moved to agenda item F4 “Status of the M.O.U. being drafted by Pilot Board General Counsel implementing an internship program with maritime academies and accredited schools.” Chairman McKamie stated that Pilot Board Counsel David McNeal had provided him with a draft M.O.U. However, due to the nature of his primary job he had not yet had an opportunity to review the draft. Chairman McKamie added that he would work to review the draft in the near future.

(PB-2021-0311-07) Chairman McKamie moved to agenda item G1 “Appointment of Captain Mike Usher to the PBIRC.” Chairman McKamie asked Captain Usher to introduce himself. Captain Usher addressed the Pilot Board by stating he was deeply honored to be able to serve and that he would work at the highest level while standing his post. Commissioner Bechtel moved for appointment of Captain Mike Usher to the PBIRC, seconded by Commissioner Dyess. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0311-08) Chairman McKamie moved to agenda item G2, “Recommendation for renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Justin L. Benecke”. Chairman McKamie noted that there was a concern that Captain Benecke had not completed a physical within 90 days of his application, as is stated in the Pilot Board Rules and Regulations. Captain Thompson stated that the pilots had an understanding with the old Pilot Board that as long as they had a qualified annual Coast Guard physical it would suffice. Captain Thompson stated that the Coast Guard had approved an extension of physicals due to COVID, and that

Captain Benecke was operating under that extension. Chairman McKamie added that was a past practice, and that the Board needed to follow the Rules and Regulations. Chairman McKamie then added that the Pilot Board should look to update the Rules and Regulations to align the physical requirement with the USCG physical requirement. Captain Thompson then affirmed for Commissioner Dyess that he thought the Coast Guard physical was a good standard and added that he would simply like to align the timing with the Coast Guard requirement. Chairman McKamie added that the Coast Guard physical was very extensive.

Commissioner Morrison moved to approve agenda items G2 to G8, “Renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar for: Captain Justin L. Benecke, Captain Jason F. Briones, Captain Brett A. Callier, Captain Marcus A. Maher, Captain Thomas C. Pace Jr., Captain Travis A. Parker, and Captain John M. Vassar” with Captain Benecke’s renewal contingent on him completing a Coast Guard physical within 45 days, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0311-09) Chairman McKamie moved to agenda item G9 and G10, “Recommendation for original Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Matthew B. Decatur and Captain Brent D. Elrod.”

Commissioner Bechtel moved for approval, seconded by Commissioner Hance. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

Chairman McKamie welcomed Commissioner Beverly to the Board and thanked everyone for being at the meeting. He then stated the Board should work with Captain Thompson to look at updating the Rules and Regulations, including the pilot physical requirement, as well as begin to look at the process of assessing fees.

Mr. Jim Brown, Counsel for the Houston Pilots, explained that commission renewals of the pilots are very important because once a commission expires there is no statutory means to renewing the commission. He then detailed how the Pilot Board has always attempted to be flexible with the pilots on such commissions.

At 3:04 p.m., Chairman McKamie adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the March 11, 2021 meeting of the Board of Pilot Commissioners for Harris County Ports.



Captain Reginald McKamie, Chairman

A handwritten signature in cursive script, appearing to read "M. Tyler Gavis".

Captain M. Tyler Gavis, Secretary