

**Board of Pilot Commissioners for Harris County Ports  
Pilot Board Investigation and Recommendation Committee  
Hearing Minutes**

**December 13, 2022**

A hearing of the Pilot Board Investigation and Recommendation Committee (the “PBIRC”) was convened on December 13, 2022 at 09:00, at the Office of the Houston Pilot Board, Boardroom, at 203 Ivy Avenue, Deer Park, Texas 77536. The following members, and staff were present:

Captain David Foret, Chairman  
Captain Robert Thompson  
Captain Michael Curtiss  
Captain Steve Nelson  
Captain Richard Russell  
Captain Mike Usher  
Captain Paul Brown  
Captain Amy Arrowood  
David McNeal, Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”)  
General Counsel – Present Virtually  
Captain M. Tyler Gavis, PBIRC Compliance Coordinator

Chairman Foret called the hearing to order to hear the following matters:

*M/T ECO EVOLUZIONE* allision with TARGA dock #2 on June 28, 2021, in the Houston Ship Channel.

*M/T NAVIG8 SPARK* allision with ship assist T/V FRANCIS HAYDEN on December 11, 2021, in the Houston Ship Channel.

1. **SUMMARY OF HEARING re M/T ECO EVOLUZIONE allision with TARGA dock #2 on June 28, 2021, in the Houston Ship Channel**
  - a. Statements by PBIRC members and staff identifying themselves and describing their maritime expertise.
  - b. Statement by Chairman Foret as to the conduct of the hearing.
  - c. Introduction as Exhibit “A” of Incident Materials gathered by Captain Gavis regarding the above-referenced incident *M/T ECO EVOLUZIONE* allision with TARGA dock #2 on June 28, 2021, in the Houston Ship Channel.
  - d. Introduction as Exhibit “B” of submission of Captain Kenneth Jones.
  - e. Testimony by and questions put to Captain Jones.
  - f. Concluding statement by Pilot counsel, Mr. Jim Brown.
  - g. Executive Session.
  - h. Announcement by Chairman Foret of Proposed Findings and Recommendations and description of appeal rights.
2. **Proposed Findings re Captain Jones** Following its deliberations, by a vote of 8-0, the PBIRC proposed the following findings:

More direct communications between the pilot and harbor tug are needed.

Captain Jones should have called VTS on the designated frequency prior to making the maneuver due to congestion in the slip.

3. **Proposed Recommendations re Captain Jones** Following its deliberations, by a vote of 8-0, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports (“the Pilot Board”):

- 1) Captain Jones, along with the Houston Pilots Safety Committee, create a training protocol with the G&H Towing boat operators regarding close quarter maneuvering and communication within the next six months.
- 2) Refer this matter to the Lone Star Harbor Safety Committee’s facility work group to review activities that may cause congestion at their terminals.

4. **Hearing Break**

5. **SUMMARY OF HEARING re M/T NAVIG8 SPARK allision with ship assist T/V FRANCIS HAYDEN on December 11, 2021, in the Houston Ship Channel**

- a. Statements by PBIRC members and staff identifying themselves and describing their maritime expertise.
- b. Statement by Chairman Foret as to the conduct of the hearing.
- c. Introduction as Exhibit “A” of Incident Materials gathered by Captain Gavis regarding the above-referenced incident M/T NAVIG8 SPARK allision with ship assist T/V FRANCIS HAYDEN on December 11, 2021, in the Houston Ship Channel.
- d. Introduction as Exhibit “B” of submission of Captain William Kern.
- e. Testimony by and questions put to Captain Kern.
- f. Concluding statement by Pilot counsel, Mr. Jim Brown.
- g. Executive Session.
- h. Announcement by Chairman Foret of Proposed Findings and Recommendations and description of appeal rights.

6. **Proposed Findings re Captain Kern** Following its deliberations, by a vote of 8-0, the PBIRC proposed the following findings:

Captain Kern lost situational awareness as evidenced by the excessive sternway and a failure to fully understand how a harbor tug contributed to that excessive sternway.

7. **Proposed Recommendations re Captain Kern** Following its deliberations, by a vote of 8-0, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports (“the Pilot Board”):

- 1) Captain Kern attend emergency ship handling training within the next year.

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- 2) Captain Kern, along with the Houston Pilots Safety Committee, create a training protocol with the G&H Towing boat operators regarding close quarter maneuvering and communication within the next six months.

**Adopted by the Pilot Board Investigation and Recommendation Committee as of 21 February, 2023**

A handwritten signature in blue ink, appearing to read "David Foret", with a horizontal line extending to the right from the end of the signature.

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Captain David Foret, Chairman