

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

May 28, 2021

A hearing of the Pilot Board Investigation and Recommendation Committee (the “PBIRC”) was convened on May 28, 2021 at 09:00, at the Offices of the Houston Pilot Board, Boardroom, at 203 Ivy Avenue, Deer Park, Texas 77536. The following members, and staff were virtually present:

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

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

M/V CMA CGM DALILA grounding near the Bayport Flare on April 22, 2020, in the Houston Ship Channel

1. **SUMMARY OF HEARING re M/V CMA CGM DALILA grounding near the Bayport Flare on April 22, 2020, 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/V CMA CGM DALILA grounding near the Bayport Flare on April 22, 2020, in the Houston Ship Channel.
 - d. Introduction as Exhibit “B” of submission of Captain Michael Phillips.
 - e. Testimony by and questions put to Captain Phillips.
 - f. Concluding statement by Pilot counsel, Mr. Keith Letourneau.
 - g. Testimony by and questions put to Captain Rebekah Martin.
 - h. Concluding statement by Pilot counsel, Mr. Jim Brown.
 - i. Executive Session.
 - j. Announcement by Chairman Foret of Proposed Findings and Recommendations and description of appeal rights.
1. **Proposed Findings re Captain Phillips** Following its deliberations, by a vote of 9-0, the PBIRC proposed the following findings:

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The root cause of this event was the shoaling in the mouth of Bayport channel.

2. **Proposed Recommendations re Captain Phillips** 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.

- 1) The PBIRC requests that the Lone Star Harbor Safety Committee draft a letter to the Army Corps of Engineers addressing the concern of ongoing shoaling at the mouth of the Bayport channel.

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

The PBIRC thanks Captain Martin for her participation in the hearing and job in assisting Captain Phillips as needed.

4. **Proposed Recommendations re Captain Martin** 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.

Adopted by the Pilot Board Investigation and Recommendation Committee as of July 21, 2021



Captain David Foret, Chairman