

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

**August 22, 2019**

A hearing of the Pilot Board Investigation and Recommendation Committee (the "PBIRC") was convened on August 22, 2019 09:02, at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North Houston, Texas 77029. The following members, and staff were present:

Captain Marcus Woodring, Chairman  
Captain Mark Mitchem  
Captain Michael Curtiss  
Captain Steve Nelson  
Captain David Foret  
Captain Richard Russell  
Captain Richard Ford  
Tom Marian  
Paul Caruselle  
Erik Eriksson, Board of Pilot Commissioners for Harris County Ports (the "Pilot Board")  
General Counsel  
Captain M. Tyler Gavis, PBIRC Compliance Coordinator

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

M/T GENESIS RIVER collision UTV VOYAGER on May 10, 2019, in the Houston Ship Channel

M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019, in the Houston Ship Channel

1. **Summary of Hearing re M/T GENESIS RIVER collision UTV VOYAGER on May 10, 2019, in the Houston Ship Channel**
  - a. Statements by PBIRC members and staff identifying themselves and describing their maritime expertise.
  - b. Statement by Chairman Woodring 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 GENESIS RIVER collision UTV VOYAGER on May 10, 2019, in the Houston Ship Channel.
  - d. Introduction as Exhibit "B" of submission of Captains Jason Charpentier and Craig Holland.
  - e. Testimony by and questions put to Captain Charpentier.
  - f. Testimony by and questions put to Captain Craig Holland.
  - g. Testimony by and questions put to expert witness Captain Jay Rivera.
  - h. Concluding statement by Pilot counsel, Mr. Jim Brown.
  - i. Executive Session.

- j. Announcement by Chairman Woodring of Proposed Findings and Recommendations and description of appeal rights.

- 2. **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.

- 3. **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.
- 4. **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.

Take no action and close matter to file.

- 5. **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.

- 6. **Hearing Break**

- 7. **Hearing Reconvened**

8. **Summary of Hearing re M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019, in the Houston Ship Channel**
- a. Statements by PBIRC members and staff identifying themselves and describing their maritime expertise.
  - b. Statement by Chairman Woodring 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 GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019, in the Houston Ship Channel.
  - d. Introduction as Exhibit "B" of submission of Captain Michael Newingham.
  - e. Testimony by, and questions put to Captain Newingham.
  - f. Concluding statement by Pilot counsel, Mr. Jim Brown.
  - g. Executive Session
  - h. Announcement by Chairman Woodring of Proposed Findings and Recommendations and description of appeal rights.

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

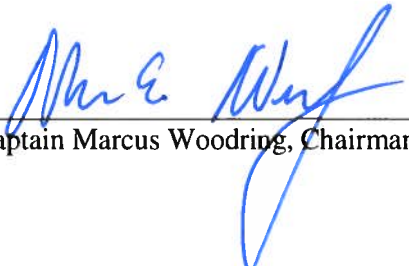
Captain Newingham exercised prudent seamanship in planning the turning evolution and did not receive appropriate ranges to the dolphin (which had an extinguished light) by the bow lookouts.

10. **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.

- a. 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.

**Adopted by the Pilot Board Investigation and Recommendation Committee as of August 22, 2019.**

  
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Captain Marcus Woodring, Chairman