

I N D E X

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

March 25, 2014

| <i>Minute No.</i>  | <i>Event/Action</i>   |
|--------------------|---|
|                    | <b>Chairman's Remarks</b>   |
|                    | Chairman Longoria convened the meeting of the Board of Pilot Commissioners and presented opening remarks  |
|                    | <b>Pilot Matters</b>  |
| (PB-2014-0325-01)  | Adoption of Supplementary Order Regarding Harris County Pilotage in connection with Houston Pilots rate application dated September 16, 2013, and "Decision and Reasons for Decision on 2014 Harris County Pilot Rates," dated January 31, 2014 |
|                    | <b>Minutes</b>  |
| (PB-2014-0325-02)  | Approve the Minutes of the Board of Pilot Commissioners Meeting – February 25, 2014   |
|                    | <b>Appearances</b>  |
| (PB-2014-0325-03A) | Captain Mike Morris, Presiding Officer, Houston Pilots, addressed the Pilot Board   |
| (PB-2014-0325-03B) | H. Thomas Kornegay addressed the Pilot Board  |
| (PB-2014-0325-03C) | Niels Aaland, Vice President, Maritime Affairs, West Gulf Maritime Association, addressed the Pilot Board   |
|                    | <b>Pilot Matters</b>  |
| (PB-2014-0325-04)  | Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the MV STADIONGRACHT allision with Port Authority City Dock 10 on September 5, 2013 in the Houston Ship Channel            |
| (PB-2014-0325-05)  | Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the MT MINERVA MAYA collision with UTV M.L. CROCHET on June 2, 2013 in the Houston Ship Channel                            |
| (PB-2014-0325-06)  | Recommendation for Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Rebekah R. Martin  |
|                    | Adjourn the meeting of the Board of Pilot Commissioners   |

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

**Houston, Texas  
March 25, 2014**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on March 25, 2014 at 10:59 a.m., at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

Janiece Longoria, Chairman  
Theldon R. Branch, III, Commissioner  
Dean E. Corgey, Commissioner  
Stephen H. DonCarlos, Commissioner  
Clyde E. Fitzgerald, Commissioner  
John D. Kennedy, Commissioner  
Roy D. Mease, Commissioner  
Roger Guenther, Executive Director  
Erik A. Eriksson, Deputy Executive Director, General Counsel  
David H. Brown, Brown & Kornegay, LLP  
J. Kent Friedman, Haynes and Boone LLP

Chairman Longoria called the meeting of the Pilot Board to order, stating she was pleased to announce that the Houston Pilots and industry partners had successfully completed their negotiations, and had reached an agreement on pilot rates for the coming years. She commended everyone for their hard work in reaching a resolution.

Chairman Longoria asked for confirmation that the agreement had been reached on Friday; Mr. H. Thomas Kornegay responded from the audience and agreed that was correct. Chairman Longoria added that since the negotiations had taken a significant amount of time, the Pilot Board believed it was important to implement the new pilot rates immediately.

Chairman Longoria moved that the Pilot Board establish pilot rates for the calendar years 2014, 2015, and 2016 in accordance with the agreement reached on March 21, 2014. She noted that also encompassed in the action was an agreement on how to serve the larger container vessels calling at the Port of Houston and resolution of a number of miscellaneous issues. She added that the parties would continue to work on updating navigation safety rules.

(PB-2014-0325-01) Chairman Longoria moved to approve and order the Memorandum of Agreement with industry and the Houston Pilots dated March 21, 2014 be put into place by order of the Pilot Board effective today, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Commissioner Corgey abstained. Nays none.

Chairman Longoria noted the item carried unanimously but with the abstention of Commissioner Corgey as he believed he should in the name of good governance, because his brother was a pilot.

Chairman Longoria thanked Mr. Kornegay for “volunteering” his time and effort and stated the Pilot Board was looking forward to continuing to work together in good will to assure that the interests of the Port Authority, the Port of Houston at large, and all stakeholders would be appropriately addressed.

(PB-2014-0325-02) Chairman Longoria moved to approve the Pilot Board minutes of its February 25, 2014 meeting, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

(PB-2014-0325-03) Appearances

Chairman Longoria asked if anyone wished to address the Pilot Board or if any of the stakeholders had any remarks regarding the negotiations or the outcome.

Commissioner Fitzgerald expressed his appreciation for the job everyone did. He noted he was involved with many pilots throughout the industry and believed the Port of Houston had the best, due to their flexibility and efforts to help get ships in when needed. He commended Captain Morris and stated the Pilot Board was very proud of the work the pilots do.

(A) Captain Mike Morris, Presiding Officer, Houston Pilots, addressed the Pilot Board.

Captain Morris commented that although the negotiations were long and demanding, everyone worked at great lengths and he was pleased a deal had been made. He thanked Chairman Longoria, the Pilot Commissioners, and Mr. Kornegay (who freely gave his time to be mediator) for their support. Captain Morris concluded by stating the pilots also wanted to thank all the negotiating partners, West Gulf Maritime Association (“WGMA”) representatives, Mr. Guenther, and Paul Caruselle, whom they looked forward to working with to help keep the port safe, prosperous, and strong.

Chairman Longoria also thanked Mr. Kornegay for the significant time he put in to bring this matter to conclusion. She thanked Captain Morris and noted that without the WGMA, shippers, and industry partners, there would not have been a reason to celebrate. She asked if anyone had been missed who needed to be acknowledged.

(B) Mr. Kornegay addressed the Pilot Board.

Mr. Kornegay mentioned that Captain Morris had already acknowledged Paul Caruselle, who represented the Chamber of Shipping, but added that Jim Black, Chairman of the Board of the WGMA, should also be recognized. He stated Captain Robert Thompson was also involved in many of the discussions and was a great team member.

Chairman Longoria stated Captain Thompson would be contacted and thanked, and added that thanks be conveyed to each person involved and that the Pilot Board was very much in their debt for the help and cooperation to bring this matter to a conclusion.

Mr. Eriksson remarked that to comply with the statute that requires the Pilot Board adopt a written rate decision on 10 days' notice, staff would post this item in April and ask the Pilot Board to ratify its action.

Chairman Longoria responded that while the order was in place and had been approved by the Pilot Board, it should now be reduced to writing and ratified in April.

The Pilot Board then considered each Request for Pilot Board Action ("RPBA"), submitted by Chairman Longoria, and attached to these minutes as Exhibit "A."

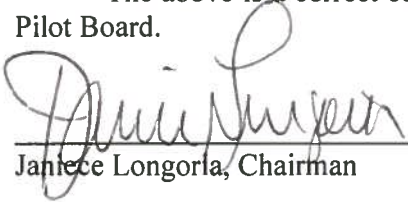
(PB-2014-0325-04) RPBA E2 was presented, moved by Commissioner Mease, seconded by Commissioner Fitzgerald. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA E2 PASSED.

(PB-2014-0325-05) RPBA E3 was presented, moved by Commissioner Corgey, seconded by Commissioner DonCarlos. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA E3 PASSED.


(PB-2014-0325-06) RPBA E4 was presented, moved by Commissioner Corgey, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. RPBA E4 PASSED.

At 11:08 a.m. Chairman Longoria adjourned the meeting of the Pilot Board.

The above is a correct copy of the Minutes of the March 25, 2014 meeting of the Pilot Board.

  
\_\_\_\_\_  
Janiece Longoria, Chairman

ATTEST:

  
\_\_\_\_\_  
Erik A. Eriksson, General Counsel and  
Assistant Secretary

## Request for Board of Pilot Commissioners Action

|   |  |                                 |
|---|--|---------------------------------|
| <b>Category:</b><br>Pilot Matters   | <b>Agenda Date:</b><br>March 25, 2014  | <b>Agenda Section:</b><br>E - 1 |
| <b>From:</b><br><b>Division:</b> Legal<br><b>Branch:</b> Pilot Administration   | <b>Staff Contact:</b><br>Erik Eriksson |                                 |
| <b>Summary Recommendation:</b><br>Consideration and possible additional actions regarding Houston Pilots rate application dated September 16, 2013, and "Decision and Reasons for Decision on 2014 Harris County Pilot Rates," dated January 31, 2014.  |  |                                 |
| <b>Background:</b><br>The Houston Pilots Licensing and Regulatory Act, Chapter 66 of the Texas Transportation Code (the "Act"), requires the Board of Pilot Commissioners for the Ports of Harris County (the "Pilot Board") to establish pilotage rates for the Ports of Harris County, as provided therein.<br><br>By letter dated September 16, 2013, the Houston Pilots (the "Pilots") submitted an application to the Pilot Board for a change in such pilotage rates (the "Application").<br><br>The Pilots proposed (i) overall pilotage rate increases of 3.5%, effective January 1, 2014, (ii) extending the "Pilot Away" grace period by 5 minutes to 35 minutes from first line "on a revenue neutral basis," (iii) adjusting cancellation charges to exclude "automatics," (iv) adding \$7 to the transportation charge to retroactively recover pilot boat increased fuel costs pursuant to the fuel factor formula, and (v) extending promotional discounts at Bayport Terminal for large cruise ships and container ships, as set forth in the Application.<br><br>Following hearings on the Application on October 22, 2013, November 19, 2013, and December 10, 2013, the Pilot Board adopted its "Decision and Reasons For Decision on 2014 Harris County Pilot Rates" (the "Decision"), and provisionally granted the Application on January 31, 2014.<br><br>However, the Pilot Board also directed the Pilots and the maritime industry to continue to work to reach an agreement on pilotage rates for 2014 and subsequent years, requested that the Pilots and industry inform the Pilot Board if they did not reach an agreement by March 3, 2014, and reserved the right to take further action. |  |                                 |
| <b>Staff Evaluation/Justification:</b><br>Staff understands that the Pilots and maritime industry representatives did not reach an agreement by March 3, but their conversations have since continued.<br><br>Staff anticipates that on March 25, 2014 the Pilot Board may hear public comment from the Pilots and maritime industry representatives on this matter, and may take further actions regarding the Application and the Decision.   |  |                                 |

**Full Recommendation:**

The Board of Pilot Commissioners, at its March 25, 2014 meeting, consider and take possible actions regarding the Houston Pilots rate application dated September 16, 2013, and "Decision and Reasons for Decision on 2014 Harris County Pilot Rates," dated January 31, 2014, and further authorize the Secretary of the Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

## Request for Board of Pilot Commissioners Action

|   |  |                                 |
|---|--|---------------------------------|
| <b>Category:</b><br>Pilot Matters   | <b>Agenda Date:</b><br>March 25, 2014  | <b>Agenda Section:</b><br>E - 2 |
| <b>From:</b><br><b>Division:</b> Legal<br><b>Branch:</b> Pilot Administration   | <b>Staff Contact:</b><br>Erik Eriksson |                                 |
| <b>Summary Recommendation:</b><br>Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the MV STADIONGRACHT allision with Port Authority City Dock 10 on September 5, 2013 in the Houston Ship Channel.   |  |                                 |
| <b>Background:</b><br>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.   |  |                                 |
| <b>Staff Evaluation/Justification:</b><br>The PBIRC convened on February 5, 2014 and held a formal hearing to receive testimony and consider the facts in the matter of the MV STADIONGRACHT allision with Port Authority City Dock 10 on September 5, 2013, and propose findings and recommendations regarding the matter.<br><br>The following PBIRC members were in attendance:<br><br>Marcus Woodring (PBIRC Chairman)<br>Captain Michael Morris (Presiding Officer, Houston Pilots Association)<br>Captain Michael Curtiss (Houston Pilots Association)<br>Captain Sean Arbogast (Houston Pilots Association)<br>Captain Richard Ford (U.S.C.G. retired)<br>Captain David A. Foret, Jr. (Port of Houston Maritime Industry)<br>Paul A. Caruselle (Port of Houston Maritime Industry)<br>Thomas Marian (Port of Houston Maritime Industry)<br><br>Mike Usher, as Compliance Coordinator for the PBIRC, presented materials he collected regarding the allision; Houston Pilot Captain Larry Evans gave testimony regarding the circumstances.<br><br>Erik Eriksson attended the hearing as counsel representing the Pilot Board; Jim Brown attended as counsel representing Captain Evans. Finally, Mr. Davies and Chief Oyler of the United States Coast Guard Sector Houston-Galveston and MSU Texas City were also present at the hearing, in the capacity of advisors.<br><br>Following the hearing, the PBIRC voted to approve proposed findings and recommendations regarding the allusion, with Marcus Woodring abstaining. The PBIRC proposes that no willful misconduct or negligence on the part of Captain Evans be found, and recommends that (i) the Pilot Board take no action (except as provided below) and close matter to file, (ii) Captain Evans double check ship systems and not take anything for granted, and (iii) Captain Evans should not get complacent in anything that he does as vessel pilot. The PBIRC's full report on the matter, with its proposed findings and recommendations, is attached. |  |                                 |



**Full Recommendation:**

The Board of Pilot Commissioners, at its March 25, 2014 meeting, approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the matter of the MV STADIONGRACHT allision with Port Authority City Dock 10 on September 5, 2013 in the Houston Ship Channel, and further authorize the Secretary of the Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Pilot Board Investigation and Recommendation Committee

In the matter of MV STADIONGRACHT allision with PHA City Dock 10

**Summary of Proceedings:**

1. On November 11, 2013, the Pilot Board Investigation and Recommendation Committee (“PBIRC”) Advisory Subcommittee held a meeting and determined that this matter warranted a PBIRC full hearing to hear testimony and consider the facts.
2. On February 5, 2014 the PBIRC held a full hearing.
3. The PBIRC entered into the record each member’s qualifications to hear and make recommendations regarding the matter.
4. The following undisputed chronology of events was provided to the PBIRC by PBIRC Compliance Coordinator, who entered into the record a binder of case materials regarding his investigation of the matter (the “Case Materials”):
  - a. On September 5, 2013, the MV STADIONGRACHT allided with Port Authority City Dock 10, Houston Ship Channel.
  - b. United States Coast Guard Sector Houston-Galveston opened an informal marine casualty investigation into the matter.
  - c. The PBIRC was designated as Party-In-Interest into the investigation.
  - d. The PBIRC Compliance Coordinator attended marine casualty site assessments and witness interviews.
  - f. Submissions and further evidence by the Pilot Affected was included in the Case Materials and entered into the record.

**Summary of Facts:** (references below are to documents also contained in the Case Materials, or the transcript of the hearing)

1. Houston Pilot Captain Larry Evans was dispatched to take the MV STADIONGRACHT from Port Authority City Dock 8 for outbound transit to sea. (See Case Materials Exhibit “A” Pilot Statement).
2. The STADIONGRACHT was moored head out portside to City Dock 8. Captain Evans intentions were to come away from the dock, with sufficient clearance between the ship’s port quarter and the dock facing to come ahead and turn to starboard exiting the turning basin into the channel for intended transit. (See Case Materials Exhibit “A” Pilot Statement; Exhibit “C” Pilot Submission Page 2).
3. Captain Evans held a master-pilot conference with the ship’s captain and also reviewed and signed the ship’s pilot card. (See Exhibit “C” Pilot Submission Page 2).
4. Lines were cast off and Captain Evans ordered ship dead slow astern with full starboard bow thruster and ordered the assist tug FRANCES HADEN fast on the starboard stern quarter to back and pull ship

away from City Dock 8. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 3).

5. As this evolution was undergoing, the STADIONGRACHT was struck by a strong gusts of wind from a passing thunderstorm that set it back towards City Dock 8. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 3; Transcript Page 15 Lines 11-23).
6. At this point, the assist tug informed Captain Evans that it was getting set underneath the counter of the ship and could no longer safely assist. The assist tug dropped its lines and departed leaving the ship with no tug assistance. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 7).
7. To counteract the wind setting the ship towards City Dock 8, Captain Evans ordered port 20 and dead slow ahead in an effort to lift the stern to starboard away from City Dock 8. He left the bow thruster on full to starboard to maintain its position off the dock. (See Case Materials "A" Pilot Statement; Exhibit "C" Pilot Submission Page 7; Transcript Page 15 Lines 19-23).
8. The ship's bow stopped swinging to starboard and the ship began setting bodily down on City Dock 8. Captain Evans ordered rudder midships to ease its counter effect on the bow thruster and allowed the thruster to resume lifting the bow away from the dock. This procedure was effective and the ship cleared City Dock 8. However, the ship had gained headway towards City Dock 10. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 8).
9. Captain Evans considered adding evolutions to increase the effectiveness of the ship's rudder and give more power to swing the bow through the wind. However, given that the ship was approaching City Dock 10, he could not risk increasing headway to gain additional rudder effect. Captain Evans then ordered ship full astern. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 8).
10. Approximately 30 meters distance from City Dock 10, Captain Evans ordered drop ship's starboard anchor. The crew was unable to timely drop the anchor and the ship's bow (knife edge) allided with City Dock 10. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 8).
11. Post-allision Captain Evans returned the ship to City Dock 8 and promptly notified the U.S. Coast Guard and Port Police to report the incident. (See Case Materials Exhibit "A" Pilot Statement).
12. The ship suffered no damage. City Dock 8 sustained an indentation as a result of the allision. (See Exhibit "C" Pilot Submission Page 8).
13. Captain Evans departed the ship for chemical testing. (See Case Materials Exhibit "A" Pilot's Drug/Alcohol Test; Exhibit "C" Pilot Submission Page 8).
14. There were no reported injuries or pollution.

**Proposed Findings:** Following its deliberations, the PBIRC proposes the following findings:

No willful misconduct or negligence on the part of Captain Larry Evans.

**Proposed Recommendations:** Following its deliberations, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports:

- (i) Take no action (except as provided below), and close matter to file.
- (ii) That Captain Evans double check ship systems and not take anything for granted; and
- (iii) That Captain Evans should not get complacent in anything that he does as vessel pilot.

## Request for Board of Pilot Commissioners Action

|  |  |                                 |
|--|--|---------------------------------|
| <b>Category:</b><br>Pilot Matters  | <b>Agenda Date:</b><br>March 25, 2014  | <b>Agenda Section:</b><br>E - 3 |
| <b>From:</b><br><b>Division:</b> Legal<br><b>Branch:</b> Pilot Administration  | <b>Staff Contact:</b><br>Erik Eriksson |                                 |
| <b>Summary Recommendation:</b><br>Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the MT MINERVA MAYA collision with UTV M.L. CROCHET on June 2, 2013 in the Houston Ship Channel.  |  |                                 |
| <b>Staff Evaluation/Justification:</b><br>The PBIRC convened on February 5, 2014 and held a formal hearing to receive testimony and consider the facts in the matter of the MT MINERVA MAYA collision with UTV M.L. CROCHET on June 2, 2013, and propose findings and recommendations regarding the matter.<br><br>The following PBIRC members were in attendance:<br><br>Marcus Woodring (PBIRC Chairman)<br>Captain Michael Morris (Presiding Officer, Houston Pilots Association)<br>Captain Michael Curtiss (Houston Pilots Association)<br>Captain Sean Arbogast (Houston Pilots Association)<br>Captain Richard Ford (U.S.C.G. retired)<br>Captain David A. Foret, Jr. (Port of Houston Maritime Industry)<br>Paul A. Caruselle (Port of Houston Maritime Industry)<br>Thomas Marian (Port of Houston Maritime Industry)<br><br>Mike Usher, as Compliance Coordinator for the PBIRC, presented materials he collected regarding the collision; Houston Pilots Captain David Rodrigues and Captain Adam Guice gave testimony regarding the circumstances.<br><br>Erik Eriksson attended the hearing as counsel representing the Pilot Board; Jim Brown attended as counsel representing Captain Rodrigues and Captain Guice. Finally, Lt. Fransson and Chief Oyler of the United States Coast Guard Sector Houston-Galveston and MSU Texas City were also present at the hearing, in the capacity of advisors.<br><br>Following the hearing, the PBIRC voted 8-0 to approve proposed findings and recommendations regarding the collision. The PBIRC proposes that no willful misconduct or negligence on the part of Captain Rodrigues or Captain Guice be found, and recommends that (i) the Pilot Board take no action (except as provided below) and close matter to file, (ii) Captain Rodrigues announce safety communications for the potential of injury, damage, or pollution to his vessel and/or to other vessel(s) post-incident, and (iii) Captain Guice be recognized for his vigilance on behalf of Captain Rodrigues, while off-duty on the bridge. The PBIRC's full report on the matter, with its proposed findings and recommendations, is attached. |  |                                 |

**Full Recommendation:**

The Board of Pilot Commissioners, at its March 25, 2014 meeting, approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the matter of MT MINERVA MAYA collision with UTV M.L. CROCHET on June 2, 2013 in the Houston Ship Channel, and further authorize the Secretary of the Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Pilot Board Investigation and Recommendation Committee

In the matter of MT MINERVA MAYA collision with  
UTV M.L. CROCHET June 2, 2013

**Summary of Proceedings:**

5. On November 11, 2013, the Pilot Board Investigation and Recommendation Committee (“PBIRC”) Advisory Subcommittee held a meeting and determined that this matter warranted a PBIRC full hearing to hear testimony and consider the facts.
6. On February 5, 2014 the PBIRC held a full hearing.
7. The PBIRC entered into the record each member’s qualifications to hear and make recommendations regarding the matter.
8. The following undisputed chronology of events was provided to the PBIRC by PBIRC Compliance Coordinator, who entered into the record a binder of case materials regarding his investigation of the matter (the “Case Materials”):
  - a. On June 2, 2013, the MT MINERVA MAYA collided with UTV M.L. CROCHET, Houston Ship Channel.
  - b. United States Coast Guard MSU Texas City opened a marine casualty investigation into the matter.
  - c. The PBIRC was designated as Party-In-Interest into the investigation.
  - d. The PBIRC Compliance Coordinator attended marine casualty site assessments and witness interviews.
  - f. Submissions and further evidence by the Pilot Affected were included in the Case Materials and entered into the record.

**Summary of Facts:** (references below are to documents also contained in the Case Materials, or the transcript of the hearing)

1. Houston Pilots Captain David Rodrigues and Captain Adam Guice boarded the MT MINERVA MAYA at Exxon Terminal for a two-pilot outbound transit to sea. (See Case Materials Exhibit “A” Pilot Statement).
2. Captains Rodrigues and Guice engaged in a master-pilot conference with the ship’s captain who indicated the vessel and crew were ready for intended transit. (See Case Materials Exhibit “A” Pilot Statement).
3. The ship departed Exxon at 0620 and stood out in the channel ready to proceed with Captain Guice as conning pilot. The visibility and weather was good. (See Case Materials Exhibit “A” Pilot Statement).
4. Captain Guice brought the ship to the vicinity of Five Mile Cut without incident. At this point, he was relieved as conning pilot by Captain Rodrigues. Due to approaching weather and the possibility of

decreasing visibility, Captain Guice remained on the bridge to assist with communications, and serve as an additional lookout visually and electronically. (See Exhibit "C" Pilot Submission Page 3).

5. As the ship proceeded south towards the Intercoastal Waterway intersection, Captain Rodrigues observed three inbound tow flotillas as AIS (Automatic Information System) targets on his Raven PPU (Portable Piloting Unit). The first one was the UTV MARTHA RENE. Captain Rodrigues called her on the radio and agreed to meet on one-whistle (port-to-port), and asked the MARTHA RENE to drive up on the red (inbound) side of the channel for safe passage. The MARTHA RENE complied. (See Case Materials Exhibit "A" Pilot Statement Page 4).
6. Aware of approaching heavy weather and reduced visibility, Captain Rodrigues ordered the ship's engine from full ahead to half ahead at 0815. (See Case Materials Exhibit "A" Pilot Statement page 4).
7. Approximately 0816, shortly after meeting the MARTHA RENE, all AIS targets were lost due to heavy rain which affected the GPS and AIS systems in the area. The fog signal to be sounded on the ship's whistle. At 0819, Captain Rodrigues ordered the ship's engine from half ahead to slow ahead and made a security call to all concerned traffic and received a negative response. (See Case Materials Exhibit "A" Pilot Statement Page 4; Exhibit "C" Pilot Submission Pages 4-6).
8. For several minutes, the ship continued in this fashion with Captain Rodrigues monitoring his PPU while Captain Guice monitored the ship's radar. At approximately 0823, Captain Guice thought he saw an intermittent target on the ship's radar. He and Captain Rodrigues visually observed what appeared to be two white lights of an inbound vessel. (See Case Materials Exhibit "A" Pilot Statement Page 4; Transcript Page 15 Lines 14-19).
9. The inbound vessel was the tug-and-tow UTV M.L. CROCHET. The CROCHET, however, was struggling with the wind and heavy weather conditions. Her flotilla was blocking the channel with five barges strung out on the head. The length of the tow was over 1000 feet. She was crosswise at a 60 degree angle to the channel with her stern on the green (outbound) side of the channel in the path of the oncoming MINERVA MAYA. (See Case Materials Exhibit "A" Pilot Statement; Exhibit "C" Pilot Submission Page 7).
10. Captain Rodrigues ordered the danger signal and ship hard right with full ahead in an attempt to get the MINERVA MAYA to come to starboard quickly and pass beneath the stern of the CROCHET. He then ordered the rudder to port to kick MINERVA MAYA'S stern away from the CROCHET. Unfortunately, at 0824 one or several of the lead barges of the CROCHET collided with the MINERVA MAYA'S port forward ballast tank, puncturing it. (See Case Materials Exhibit "A" Pilot Statement Page 5; Exhibit "C" Pilot Submission Page 7; Transcript Page 15 Lines 24-25).
11. AT 0825, the CROCHET reported to VTS (Vessel Traffic Service) that two of her empty barges had been broken up in the middle of the channel due to a collision with the MINERVA MAYA. (See Case Materials Exhibit "A" VTSHG Incident Report Page 15).
12. At 0846, the COTP (Captain of the Port) drafted an order for the MINERVA MAYA directing her to the nearest lay berth or anchorage. (See Case Materials Exhibit "A" VTSHG Incident Report Page 15).
13. The MINERVA MAYA proceeded to Bolivar Roads anchorage without further incident. (See Transcript Page 16 Lines 17-20).
14. Captain Rodrigues and Captain Guice departed the vessel for chemical testing. (See Case Materials Exhibit "A" Pilots Drug/Alcohol Test).



15. There were no reported injuries or pollution.

**Proposed Findings:** Following its deliberations, the PBIRC proposes the following findings:

No willful misconduct or negligence on the part of Captain Rodrigues and Captain Guice.

**Proposed Recommendations:** Following its deliberations, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports:

(i) Take no action (except as provided below), and close matter to file.

(ii) That Captain Rodrigues announce safety communications for the potential of injury, damage, or pollution to his vessel and/or to other vessel(s) post incident.

(iii) That Captain Guice be recognized for his vigilance on behalf of Captain Rodrigues, while off-duty on the bridge.

## Request for Board of Pilot Commissioners Action

|   |  |                                 |
|---|--|---------------------------------|
| <b>Category:</b><br>Pilot Matters   | <b>Agenda Date:</b><br>March 25, 2014  | <b>Agenda Section:</b><br>E - 4 |
| <b>From:</b><br><b>Division:</b> Legal<br><b>Branch:</b> Pilot Administration   | <b>Staff Contact:</b><br>Erik Eriksson |                                 |
| <b>Summary Recommendation:</b><br>Recommendation for Deputy Branch Pilot Certificate for the Houston Ship Channel and Galveston Bar: Captain Rebekah R. Martin.   |  |                                 |
| <b>Background:</b><br>The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.  |  |                                 |
| <b>Staff Evaluation/Justification:</b><br>Captain Rebekah R. Martin has applied for appointment as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes a letter from Master Houston Branch Pilot Captain Brett Callier expressing his willingness to appoint Captain Rebekah R. Martin as Deputy Branch Pilot and to act as her Master for her proposed deputyship of three years, and evidence of her ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.<br><br>After an assessment of her qualifications and the documents filed with her application, the ARC determined that Captain Rebekah R. Martin meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.034, and the Rules and Regulations governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.<br><br>Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Rebekah R. Martin for her certificate as Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar. Such certificate is for a three-year term. |  |                                 |
| <b>Full Recommendation:</b><br>The Board of Pilot Commissioners, at its March 25, 2014 meeting, approve the appointment of Captain Rebekah R. Martin as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar for a three-year term effective March 25, 2014, and further authorize the Secretary of the Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.   |  |                                 |