

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

**Houston, Texas  
September 8, 2022**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on September 8, 2022 at 10:00 a.m. at the office 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  
Frances Castañeda Dyess, Treasurer  
Jon Keeney, Executive Committee  
Brad Hance, Commissioner  
Michel Bechtel, Commissioner  
Darrell Morrison, Commissioner  
Parris Beverly, Commissioner  
Bruce Oakley, Commissioner  
Captain M. Tyler Gavis – Executive Director and Secretary  
David McNeal – General Counsel

Chairman McKamie asked Captain Gavis to call roll. Captain Gavis called the roll and noted that Commissioner Garcia would be absent. Captain Gavis noted that the Pilot Board had established a quorum with 8 out of 9 Commissioners present. Chairman McKamie then thanked the Houston Pilot Association for their assistance with the Board and the different maritime organizations.

(PB-2022-0908-01) Recognitions

Captain Gavis played a video produced by the Houston Pilots documenting a search and rescue operation which the Houston Pilots assisted with on March 31, 2022 at approximately 02:45 A.M. While piloting a vessel outbound, Captain Brent Elrod heard yelling for help. Captain Elrod radioed Captain Justin Benecke, who was piloting an inbound vessel, asking him to listen for yelling during his transit. Captain Benecke notified the bow lookout to listen for possible yelling. The bow lookout heard yelling coming from the water and contacted the bridge. Captain Benecke then contacted the Galveston Pilot who was outbound, along with the Houston Pilot boat. The pilot boat manned by Captain Kurt Kieckbusch, along with Senior Deckhand Shane Steber, and Deckhand Avery Wiggs, located two individuals in the water and were able to get them on the pilot boat safely. At the May 6, 2022 Lone Star Harbor Safety Committee meeting, Captain Jason Smith, USCG Captain of the Port, recognized the following people for their outstanding efforts: Captain Justin Benecke, Captain Kurt Kieckbusch, Captain Drew Bledsel, Senior Deckhand Shane Steber, Deckhand Avery Wiggs, and Deckhand Zach Malcolm. Chairman McKamie thanked Captain Thompson, Captain Smith, and the Houston Pilots for their outstanding work. Captain Thompson emphasized the importance of the training the pilots do and how happy he was to see it save lives.

(PB-2022-0908-02) Appearances

Chairman McKamie asked for Captain Gavis to seek public comment. Captain Gavis noted that he was not aware of any public comments and asked if anyone would like to provide public comment, to which there was no response.

(PB-2022-0908-03) Minutes

Chairman McKamie called for a motion to approve the minutes of the June 9, 2022 Pilot Board meeting. Commissioner Bechtel moved for approval, 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-2022-0908-04) Executive Director Report

Captain Gavis spoke to the current contingency plan that the Board has in place. He explained that when he unexpectedly suffered a medical emergency, Captain Mike Usher was able to fill in for him on little notice as needed, thanks to the Board's contract with Captain Usher for hourly as needed admin. support. Captain Gavis also thanked the Board for their support during that time. Chairman McKamie added that the Board may want to look at beefing up the budget for Captain Usher in order for him to be able to be kept up to speed in the event he has to step in in the future.

(PB-2022-0908-05) Pilot Board Committee Updates

(a) Chairman McKamie spoke on behalf of the Executive Committee and stated the Pilot Board bylaws have been drafted and will be reviewed at the next Board meeting.

(b) Chairman McKamie recognized Pilot Board Legislative Committee Chairman Bechtel.

Commissioner Bechtel stated that legislature is in interim and added that the next session will be in January 2023. Commissioner Bechtel added that he has had discussions with Board Counsel, and there is some work that the Board needs to do before the next session. He then added that the state is looking good for revenue and the WRDA bill passed in the House 387-34 and in the Senate 93-1. He further explained that the WRDA bill is for Army Corps of Engineers funding and gives approximately 30 billion dollars to coastal Texas. He added that coming out of the Labor Day recess the bill should go to President Biden for signature. Commissioner Bechtel also noted that he had testified in Austin to give an update for the National Resource Committee, which has been formed for one year.

- (c) Chairman McKamie recognized Pilot Board Navigation Chairman Hance.

Commissioner Hance stated that the last Lone Star Harbor Safety Committee meeting was a very good meeting and added the discussion of new bridges and bridge height requirements may be coming. Commissioner Hance added that he, along with Commissioner Bechtel, were afforded the opportunity to do a helicopter ride over the ship channel for hurricane awareness. During the ride, Commissioner Hance noted that he learned that all the refineries have helipads for evacuation purposes during emergencies. He concluded by stating that it was a very good experience.

Chairman McKamie requested Captain Gavis work with the City of Houston to get the Houston Pilots a badge in case there is an emergency and need to get onboard vessels. Captain Gavis stated that thanks to Commissioner Keeney, he has been in touch with Judge Hidalgo and City of Houston Emergency Management. Captain Gavis said it is an important matter and added that there is still work to be done. Commissioner Keeney added that he has had conversations with the county, and they agree that it is very important.

- (d) Pilot Board USCG Liaison Chairman Morrison stated there was no activity to report.

(e) Chairman McKamie noted that Pilot Board Diversity Committee Chairman Garcia was not able to attend the meeting. Chairman McKamie stated the Houston Pilots have been helpful and he appreciated them attending the San Jacinto College Maritime Youth Expo to try and increase the number of students in the maritime pipeline.

Commissioner Hance stated that he attended the event and added the pilots had a very good booth and overall there was good attendance. Commissioner Hance stated he spoke with the Dean of San Jacinto College and believes they have an excellent relationship.

- (f) Chairman McKamie recognized Pilot Board Professional Development Committee Chairman Beverly.

Commissioner Beverly stated that the Board may recall at the past meeting he proposed adopting performance management as a core of the Board. He defined performance management as an effective process to measure a stated outcome and added he has found that many boards are using this type of measure to determine how the board is doing and to ensure they are accountable to what they say they will do. Commissioner Beverly presented a proposed performance management format and explained that the performance management metric is broken down into sections and within the sections there are measurable items. The first section is ensuring the Board fulfills the duties as

outlined in the Transportation Code. Commissioner Beverly explained that there are eleven measurable items the Transportation Code states that the Board shall do. The next sections are Board effectiveness with seven measurable items and committee effectiveness with five measurables. Commissioner Beverly stated the Board currently has three standing committees and six ad hoc committees. He added whether or not the Board needs these committees or if one of these committees might be struggling with time and/or resources are items that can be measured. He then added that by measuring, the Board can see how effective the committees are and where the Board may need to do some work. He then explained that pilot and industry feedback is the fourth section and the Board will have to find a way to structure it. Working with Captain Gavis, Commissioner Beverly used Captain Gavis' contract to create the fifth section, Executive Director Duties per Contract. Commissioner Beverly stated that he worked with Captain Plunkett to create the final section, Houston Pilots Performance Indicators and added this section is what the pilots feel is the most important that they measure. Commissioner Beverly explained that the most important thing to the pilots is safety and added that the remaining three elements the pilots determined are important are pilot number optimization, customer service, and maritime community leadership. Commissioner Beverly acknowledged that this may be overwhelming but added that most of the information is already available and he just suggested that the Board pull all the information together in a format that allows the Board to watch it. Chairman McKamie added he thinks every organization should be measuring their performance. Chairman McKamie then asked who measures it, how often would it be measured, and how does the Board implement it? Commissioner Beverly replied that whoever manages it should be the one to measure it and that the measures should be done quarterly. Chairman McKamie made a motion to adopt a performance metric. Conversation then ensued between Chairman McKamie, Commissioner Dyess, and Commissioner Oakley about how keeping the metrics simple, as opposed to being too wordy, would be best. Commissioner Dyess offered to assist Commissioner Beverly, which Chairman McKamie thought would be great and added that the matter will be revisited at the next meeting.

(PB-2022-0908-06) Financial Report

(a) Chairman McKamie recognized Pilot Board Treasurer Commissioner Dyess.

Commissioner Dyess went over the Board's current financial status and stated the Board was in good shape. She added that the Board had presently received \$234,000 versus the forecasted \$258,000 and noted that the reason for the difference is due to a change of timing of when the deposits were made. Commissioner Dyess concluded by stating that Captain Gavis would be preparing next year's budget.

(PB-2022-0908-07) Houston Pilots Association Report

(a) Chairman McKamie recognized Captain Robert Thompson, Houston Pilots Presiding Officer.

Captain Thompson greeted the Pilot Board and stated that he would provide a quick update. He then explained that as of today the Houston Pilots had 86 Branch Pilots, and 4 Deputy Branch Pilots. He also added that there are no mandatory retirements until 2023. Captain Thompson next described that at the last Houston Pilots business meeting they voted to take on 4 additional Deputy Branch Pilots and those will be voted on at the next Houston Pilots meeting scheduled for November 2, 2022. He then discussed the comparison of vessel traffic from 2021 to 2022, detailing containerships were down 12.5%, tankers were up 12.8%, gas ships were up 8.3%, and general cargo vessels were up 11.7%. He summarized the pilot workload with the current chemical recession and added that the pilots are keeping an eye on it for planning purposes for 2023. Captain Thompson next explained the vessel schedule delays and broke them down into categories. He detailed the primary cause of delays was due to traffic adjustment with 2,710 hours, followed by set back by the agent with 2,598 hours, weather with 452 hours, tug delays with 320 hours, and 208 hours of channel closures. Captain Thompson discussed the 2022 Circadian fatigue study the Houston Pilots had done. The study reviewed the transit and pilot work data for 2019 and 2021. The study showed that alertness within the Houston Pilots has gone up. Captain Thompson next stated that Project 11's first segment completion will be in January 2023 up to buoys 51/52 and full completion will be in late 2024/early 2025. He next added that having too many Deputy Branch Pilots is not good because they learn by repetition and when there are too many they don't get the everyday exposure that is needed. Captain Thompson next discussed the Houston Pilots shuttle boats and added that in 2021, the Houston Pilots established the Shuttle Boat Committee. Captain Thompson next explained that one of the shuttle boats was out of commission for eight months due to engine repairs and added that the pilots are looking at purchasing two new shuttle boats.

Chairman McKamie asked how much time the off group is spending working over, to which Captain Thompson replied roughly two off group pilots were working over per day. Captain Thompson then added that the pilots worked to complete 17.2 jobs per 14 day watch. Conversation then ensued between Chairman McKamie and Captain Thompson about the matter.

(PB-2022-0908-08)

Chairman McKamie moved to agenda item 14.d. "Ensuring compliance with Texas Transportation Code Sec. 66.017 Duties of the Pilot Board: establish the number of pilots necessary to provide adequate pilot services for each Harris County port; accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot; submit to the governor lists of applicants the board finds to be qualified for appointment as pilots. *Gant v. Bd. of Pilot Comm'rs For Galveston Cnty.*

Ports, No. 01-20-00407-CV (Tex. App. Jan. 27, 2022)”. Chairman McKamie started his presentation by detailing what the duties of the Board are as written in Texas Transportation Code Section 66.017: the number one duty of the Board by law is to establish the number of pilots needed to provide adequate pilot services for each Harris County port, the number two duty is to accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot, and the number three duty is to submit to the governor lists of applicants the Board finds to be qualified for appointment as pilots. Chairman McKamie discussed how the Board insures adequate pilots for services. He stated the Board needs to require sufficient number of pilots for adequate rest, require there are sufficient Deputy Pilots in training, have experienced and capable pilots ready for service, require sufficient amounts of pilots in the event a pilot becomes sick, disabled, or dies, and require sufficient amounts of pilots so that pilots can have time for skills training.

Commissioner Morrison asked if this presentation was in the Board’s packet, to which Captain Gavis replied that he just received the presentation, and it was not in the packet. Chairman McKamie next discussed what he sees are the demographic challenges: 25 pilots are greater than 55 years of age, which he added is 27% of the pilots. The next slide Chairman McKamie discussed was the percentage of adults age 55 and over with one or more possible chronic conditions. He stated that 75% of Americans over age 55 have one chronic condition, which he explained includes asthma, cancer, and arthritis. Chairman McKamie discussed in the recent past the Houston Pilots had an unexpected death, one pilot had a stroke while on the Houston Ship Channel, and one pilot had to retire early because he was in a car crash, all of which happened within the last three years he emphasized. The next topic discussed was industry challenges. Chairman McKamie discussed how neopanamax ships, which are 1200 feet long and 168 feet wide, will be coming to the Houston Ship Channel. He added that it takes a lot of experience to maneuver these ships and the pilots cannot wait until they are here to train pilots. Chairman McKamie reiterated the Texas Transportation Code and what the Board shall do. Chairman McKamie next discussed other laws that the Board must comply with including the Texas Equality Law, Fourteenth Amendment, and Texas Transportation Code 66.018. He added the Board has a duty to not sanction any discriminatory practices. Chairman McKamie discussed how the informal delegation of Deputy Pilot selections has been working. He broke it down into seven steps: the applicant hears about Houston Pilot positions by word of mouth, the applicant obtains the application from the Pilot Board, the application is reviewed by the Pilot Board ARC, the ARC sends the names and applications to the Houston Pilots, the Houston Pilots Association has informally been allowed to decide how many pilots come into their organization based on their business model, the Board has informally delegated to the Houston Pilots who becomes a pilot, and the Pilot Board has passed on the pilot selection by the pilots to the Governor. Chairman McKamie discussed *Gant v. Bd of Pilot* which he said the Galveston Act itself contains no requirement for affiliation with or membership in the Pilot Association as a prerequisite to either licensure as a pilot or

certification as a Deputy Pilot. Chairman McKamie added that in the Galveston Act, as written, pilots are approved or not approved by the Board and the Governor, and not by the Pilot Association. Chairman McKamie again stated what the Board duties are and detailed diversity statistics within the present Houston Pilots. These statistics include: 96% males, 4.4% females, 93.4% White, 2.2% African Americans, 3.3% Hispanics, and 1% Asian Indian. The pilot academic achievements include: 44% Texas A&M Galveston graduates, 21% High School graduates, 16.5% U.S. Merchant Marine Academy graduates, 2% Mass Maritime graduates, 1% Maine Maritime graduates, and 1% State University of New York graduates. Chairman McKamie discussed major questions he had with the informal Deputy Pilot selection arrangement. These questions include: are we really recognizing the future challenges of the aging pilot demographics (27% over the age of 55), Project 11 and the completion of the Panama Canal Expansion, does the Houston Pilots Association business model have an inherent conflict in insuring there are sufficient pilots to provide adequate pilot services, do we want transparency with Deputy Pilot selections to insure equality under the law in Deputy Pilot selections as required by law, do the numbers say there has been equality under the law, and have implicit biases resulted in systemic discrimination.

Chairman McKamie stated moving forward the Board needs to advertise qualifications and application information. He detailed that this advertisement could be included in Professional Mariner magazine, to get the best and brightest applicants, G Captain, attend Navy and Coast Guard retirement/separation seminars, maritime school magazines, and maritime union publications. Chairman McKamie stated that the Board needs to evaluate the present process and change as necessary so that the Board insures there are sufficient Deputy Pilots in the pipeline for present and future adequate pilot services, remove any inherent conflicts from the process that may hinder having sufficient pilots for providing adequate pilot services, insure there is equality under the law as mandated by Texas Article I, Sec. 3 and Sec. 3a of the Texas Bill of Rights and the U.S. Constitution, and create transparency in the selection of Deputy Pilots. He next added that the Board also needs to evaluate the number of Deputy Pilots needed given age demographics and industry challenges. He then added moving forward the Board needs to improve the process by creating a selection committee composed of four Pilot Board members, which includes the Chair, plus the Houston Pilots Presiding Officer, one pilot, and one retired pilot to make recommendations to the Pilot Board as to the number of pilots for adequate pilot services and Deputy Pilot selections. He added that this perspective is coming from him as a mariner, a lawyer, and the fleet manning supervisor at Exxon when we had twenty ships. He explained that he looked at manning to ensure Exxon had enough personnel. Chairman McKamie next stated that the Board needs to get people in the pipeline now and that this may not be what the pilots want but it is what the Board needs to do. Chairman McKamie opened the floor up to comments. He also stated that the pilots should not be allowed to take on any new Deputy Pilots until this has been figured out. Conversation then ensued between Chairman McKamie, Commissioner Dyes, Commissioner Morrison, and Commissioner Oakley as to how the Board should act on

Chairman McKamie's presentation, in which Commissioner Dyess expressed that for the past 11 years local high schools have worked to create a pipeline for the local maritime industry and pilots. However, many of the students are lured away to other positions or leave the industry for their family. Further conversation ensued in which Commissioner Oakley stated he appreciated Chairman McKamie bringing this issue to the Board's attention and added that as a lawyer and former judge this issue was important to him. However, he stated that with no lawsuits being filed over equality in Harris County court that should indicate something, though he added the Board should want to do more on the matter. Further conversation ensued between Commissioner Hance, Commissioner Keeney, and Chairman McKamie in which Commissioner Hance and Commissioner Keeney expressed their concerns over Chairman McKamie's presentation. The conversation closed by Captain Thompson expressing his concerns over Chairman McKamie's presentation and stating the Board's ARC approved all applicants from which the pilots select their Deputy Pilots from.

(PB-2022-0908-09) ARC & PBIRC Reports

(a) Chairman McKamie recognized Captain Stephen Polk, Chairman of the Pilot Board Application Review Committee (ARC).

Captain Polk stated the ARC had met three times since the last Board meeting. On June 14, 2022, the ARC met and approved four Branch Pilot renewal applications (which would seek Pilot Board approval as agenda item 11.b) and three pilot pool applications. The ARC met on July 12, 2022 and approved two Branch Pilot renewal applications (which would seek Pilot Board approval as agenda item 11.b), one original Branch Pilot application (which would seek Pilot Board approval as agenda item 11.c), and four pilot pool applications. He also stated the ARC found one applicant to not be qualified. He then detailed that the ARC met on August 9, 2022, thanks to Captain Usher, and approved four Branch Pilot renewal applications (which would seek Pilot Board approval as agenda item 11.b) and one pilot pool application.

(PB-2022-0908-10) Chairman McKamie moved to agenda item 11b., "Recommendation for renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Sean M. Cook, Captain Patrick J. Dean, Captain Kevin B. Keith, Captain Donald C. King, Captain Gilberto B. Martinez Jr., Captain Justin J. Phillips, Captain Chad M. Prejean, Captain David C. Reeder, Captain Jonathan O. Samuell and Captain Charles R. Schuessler" and agenda item 11c., "Recommendation for original Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Christopher L. Gould". Chairman McKamie asked for a motion to approve. Commissioner Hance moved to approve, seconded by Commissioner Keeney. Chairman

McKamie asked for all in favor to say aye. All were in favor. There were no negative votes.  
MOTION PASSED.

(PB-2022-0908-11) Executive Session

Chairman McKamie stated there was no need for an Executive Session.

(PB-2022-0908-12) General Matters

Chairman McKamie moved to agenda item 14a.i., "Pilot Board deliberation and possible action regarding the amended Houston Pilots Navigation Safety Guidelines approved by the Houston Pilots on August 24, 2022, which would amend Section VIII VT-4 to state: Stolt Integrity class vessels, 607 ft. x 106 ft. (including but not limited to Stolt Excellence, Stolt Integrity, Stolt Loyalty, Stolt Pride, Stolt Sincerity, and Stolt Tenacity): Minimum of 0.5m of trim; anchors walked out from windlass to tipping point; With a fully operational working thruster (capable of operating at 100% rated capacity), 1 tug may be used. Amend Section IX. DK-16 to state: Woodhouse Dock 2: Max LOA 675', Max beam 100'; for beam greater than or equal to 96', daylight restricted when docking or undocking, 2 mini z stem, stern, or lashed. Woodhouse Dock 3: 656' x 96'; for beam of 96', daylight restricted when docking or undocking, 2 mini z stem, stern, or lashed. Amend Section IX. DK-17 to state: Manchester Terminal: Vessels at Manchester Terminal Sims Bayou Docks (D, E, and F) must comply with the following: • working bow thruster, • alternate dock in case of extreme weather, • maximum beam of any vessel at Petro Tex Dock B, to be no more than 54 ft., • maximum beam of 71 ft. For beam greater than 69', mini z required, • a vessel will not go around another vessel in this slip. Amend Section IX. DK-19 to state: City Dock: Between City Dock 17/City Dock 41 and the Turning Basin the combined beam of any two opposing moored vessels plus the beam of the transiting vessel shall not exceed 256 ft. Amend Section XII. to state: ABOVE BOGGY BAYOU (SHELL) TO MAGELLAN/TARGA #5 • Routine transit vessel size: Less than 750 ft. LOA and 106 ft. beam • Maximum vessel size: 811 ft. LOA and 125 ft. beam [See DK-10, KMD exception] [See VT-4 for Stena Polaris class (600'x132') exception] • Daylight above Beltway 8 Bridge for vessels over 750 ft. LOA or over 39 ft. draft. For drafts over 39 ft between the Beltway 8 bridge and Greens Bayou, 2 pilots at night. Amend Section XIII. to remove: Interim rule 02-2021: Section XII. Provisions for drafts over 39 ft between Shell and Greens Bayou at night with 2 pilots expires 8/30/22. (See redlined changes to Section VIII. VT-4 (pg. 10), Section IX. DK-16, DK-17, and DK-19 (pg. 13), Section XII. (pg. 17), and Section XIII. (pg. 19) of the attached Navigation Safety Guidelines)". Captain Gavis asked for Captain Winegar, Second Officer for the Houston Pilots, to summarize the proposed changes. Captain Winegar stated that the pilots were having some maneuverability problems with the Stolt Integrity class vessels and so the pilots imposed some restrictions. He then added that Stolt came back and repowered the engines and bow thruster and that the problem has

been resolved so the pilots want to reduce the tug requirement for docking. He stated the second change has been a policy for years. However, it has not been in the Nav. Safety Guidelines and the pilots want to have it written it down for transparency. The third change is increasing of vessel beam at Magellan Terminal when using the more maneuverable G&H tugs. He stated the fourth change is clarification of what the opposite dock is in Rule 256. The final change is making interim rule 02-2021, which allows vessels with a draft over 39 feet to transit between Shell and Greens Bayou at night with two pilots, permanent. Chairman McKamie asked for a motion to approve. Commissioner Morrison moved to approve, 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-2022-0908-13) Chairman McKamie moved to agenda item 14b., “Deliberation and possible action regarding adopting the Pilot Board Professional Development Committee’s Performance Management Metrics”. Chairman McKamie asked if the Board should adopt it and then can make improvements on it. Commissioner Morrison said to include Commissioners Dyess’ comments. Chairman McKamie asked for a motion to approve. Commissioner Dyess moved to approve, seconded by Commissioner Keeney. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2022-0908-14) Chairman McKamie moved to agenda item 14c., “Approve endorsement of the Engagement Letter for Belt Harris Pechacek LLLP to complete an annual financial audit of the Pilot Board’s 2022 finances”. Captain Gavis spoke on this matter and said that the Board just completed a financial audit with Belt Harris, and they have provided him with an Engagement letter, and they would be happy to assist with this year’s finances. Chairman McKamie asked Commissioner Dyess for her opinion. Commissioner Dyess stated she is in favor. Chairman McKamie asked for a motion to approve. Commissioner Dyess moved to approve, seconded by Commissioner Keeney. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

At 12:18 p.m., Chairman McKamie thanked everyone for their contributions to the meeting and moved to adjourn the meeting.

The above is a correct copy of the Minutes of the September 8, 2022 meeting of the Board of Pilot Commissioners for Harris County Ports.



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Captain Reginald McKamie, Chairman



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Captain M. Tyler Gavis, Secretary