

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

**Houston, Texas  
September 9, 2021**

A public meeting/ hearing of the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”) was convened on September 9, 2021 at 2:00 p.m. at the offices 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  
Roland Garcia, Commissioner  
Frances Castañeda Dyess, Commissioner  
Jon Keeney, Commissioner  
Michel Bechtel, Commissioner  
Brad Hance, Commissioner  
Darrell Morrison, Commissioner  
Bruce Oakley, Commissioner  
Parris Beverly, Commissioner  
Captain M. Tyler Gavis – Executive Director and Secretary  
Rachel de Cordova, General Counsel (present virtually)  
David McNeal, General Counsel (present virtually)

Chairman McKamie convened the meeting/ hearing of the Pilot Board by asking Captain Gavis to call roll. Captain Gavis called the roll and noted that all were present apart from Commissioner Oakley, whom he was expecting to attend. Captain Gavis noted that the Pilot Board had established a quorum with 8 out of 9 Commissioners present. Chairman McKamie thanked everyone for attending and briefly summarized the meeting agenda. Chairman McKamie then added that Commissioner Oakley had arrived.

(PB-2021-0909-01) Recognitions

Chairman McKamie stated that he would like to recognize the passing of Houston Pilot #53 Captain Thomas Lightsey Jr. and noted that his son was present at the meeting. Chairman McKamie then added that it was his honor to recognize Captain Lightsey and proceeded to summarize the many contributions Captain Lightsey made to the Houston Pilots and the Port of Houston (including developing the Houston Pilot pension plan and helping to integrate the Houston Pilots with Captain Paul Brown).

(PB-2021-0909-02) Appearances

Chairman McKamie next 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-2021-0909-03) Minutes

Chairman McKamie called for a motion to approve the minutes of the June 10, 2021 Pilot Board meeting. Commissioner Bechtel moved for approval, 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.

Chairman McKamie called for a motion to approve the minutes of the June 28, 2021 Pilot Board meeting/hearing. Commissioner Bechtel moved for approval, seconded by Commissioner Morrison. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0909-04) Executive Director Report

Captain Gavis stated that he would be reporting elsewhere throughout the meeting.

(PB-2021-0909-05) Pilot Board Committee Updates

(a) Chairman McKamie stated that the Executive Committee had no activity to report.

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

Commissioner Bechtel stated that he would provide an update on the Gulf Coast Protection District, which is the non-federal local sponsor for financing, design, construction, operation, and maintenance of the Coastal Barrier Project. Commissioner Bechtel next highlighted the jurisdiction of the Gulf Coast Protection District and added that they held their first Board meeting on August 18th, where he was named as the Chair and other positions were designated. Commissioner Bechtel added that he signed a letter of intent with the Corps of Engineers and detailed the upcoming meeting schedule. Commissioner Bechtel next detailed the steps the Gulf Coast Protection District had taken to get up and running and what they could expect moving forward.

Chairman McKamie asked if the Houston Pilots had been included in these processes, to which Commissioner Bechtel confirmed that they had. Commissioner Garcia then asked if the \$200 million allotted to the district was state money, to which Commissioner Bechtel responded that it was but not all of it was for overhead and administration.

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

Commissioner Hance stated that he and Captain Gavis attended the August 6, 2021 Lone Star Harbor Safety Committee meeting at the United States Coast Guard. He then detailed that there were many reports (including cybersecurity and issues surrounding fishing and shrimping vessels interacting with ship wakes). Commissioner Hance then described his visit to the USCG VTS (Vessel Traffic Service) and closed by saying he thoroughly enjoyed the meeting.

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

(e) Pilot Board Diversity Committee Chairman Garcia stated there was no activity to report.

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

Commissioner Beverly stated that he, Commissioner Keeney, and Captain Gavis put together the framework for the Commissioner development process and summarized the purpose of such framework. He then added that he would like the Board to review the PowerPoint and provide their thoughts or questions.

Chairman McKamie stated that he sought to create the Professional Development Committee and further explained he wanted the Commissioners to have the means to stay up to date with what is going on. Chairman McKamie then summarized a ride along he did with Captain Thompson and a new Houston Branch Pilot, in which he stated the new pilot did a fantastic job.

Commissioner Beverly next asked Commissioner Keeney to summarize a similar experience they took part in. Commissioner Keeney stated that he and Commissioner Beverly were fortunate to participate in a helicopter ride in which they nearly touched down at numerous points along the Houston Ship Channel. He then summarized the many ways the helicopter ride benefited him (including showing how narrow the ship channel was, how complex the Port of Houston is, and how great of a job the Houston Pilots do under a difficult situation). Commissioner Keeney then thanked Charlie Jenkins with Port Houston for giving a great overview of the Port of Houston and additionally commended Port Houston for the great job they do with dredging operations. Commissioner Keeney closed by saying he saw the Houston Pilots as the lynchpin for making the Port of Houston work.

Commissioner Keeney next stated that he and Commissioner Beverly had an excellent visit to San Jacinto College Maritime and stated how essential what San Jacinto

Maritime does is to the community. Commissioner Keeney closed by summarizing how valuable he thought the simulator was to the Houston Pilots and local community.

Captain Gavis summarized his two days of hosting two interns from Kings Point, as part of the tandem internship program with the Houston Pilots. He then thanked San Jacinto Maritime Associate Vice Chancellor John Stauffer for his team's support to the Pilot Board. Chairman McKamie thanked Vice Chancellor Stauffer and encouraged the other Commissioners to attempt to make it out for a ship ride with the Houston Pilots. Commissioner Hance then thanked the Houston Pilots for their donations to the simulator at San Jacinto Maritime, which Commissioner Dyess followed by thanking them for their donation to the Austin High School simulator.

Commissioner Morrison then asked Vice Chancellor Stauffer if he had anything to say. Mr. Stauffer stated that the Pilot Board had an open invitation and added that his team was thankful to the Houston Pilots and all the stakeholders along the channel. Mr. Stauffer closed by saying his team was happy to assist the Pilot Board in any way they could.

Commissioner Garcia then expressed his interest in participating in a future helicopter tour, to which Chairman McKamie explained that the recent tour was part of a scheduled Houston Pilot trip and not a special trip for the Pilot Board.

(g) Chairman McKamie recognized the Pilot Board Ad Hoc Rules, Policies and Procedures Committee.

Captain Gavis thanked the committee for their work in developing a Public Comment Policy and stated that a further update would occur later in the meeting.

(PB-2021-0909-06) Financial Report

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

Commissioner Dyess detailed the 2021 Houston Pilot Board budget as of September 1, 2021, which was provided to the Commissioners in their Briefing Book and displayed through Zoom for the public to follow along with. She stated that the actuals through June of 2021 totaled roughly \$157,000 in expenses out of the \$350,000 budget for the year. She then added that was a difference of roughly \$193,000 and that any unused money would be put into the reserve, which would be used to help forecast future budgets.

Chairman McKamie called for a motion to approve the financial report. Commissioner Keeney moved for approval, seconded by Commissioner Bechtel.

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

(PB-2021-0909-07) Houston Pilots Association Report

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

Captain Thompson greeted the Pilot Board and stated that movements in the third quarter were flat from the previous year, with roughly 60 moves per day. He then explained that the movements had been lopsided with bunched arrivals and sailings, as opposed to being able to accommodate a traditional sailing and then arrival. Captain Thompson next stated that the Houston Pilots expected for the fourth quarter numbers to improve and added that the Houston Pilots were working with Port Houston in preparation for dredging on Project 11 to begin in December. Captain Thompson then detailed that the Houston Pilots had a safety rule not allowing hydraulic dredges to be closer than 5 miles apart and were working with Port Houston to incorporate a mix of hydraulic and bucket dredges to be most efficient. He then thanked Commissioner Bechtel for allowing the Houston Pilots to be involved with the Coastal Barrier Project and stated the Houston Pilots would greatly support anything that kept their counties from being flooded. However, he added that the Houston Pilots are very concerned about what may go across the Houston Ship Channel.

Captain Thompson next described the importance of having a helicopter on contract to help the pilots disembark the vessels should there be a hurricane. He proceeded to explain that the helicopter ride Commissioners Keeney and Beverly took part in was part of their contract with the helicopter company to help the helicopter pilot get familiar with the different landing zones along the Houston Ship Channel. Captain Thompson next encouraged all of the Commissioners to complete a ship ride with the Houston Pilots sometime in the near future, to which Chairman McKamie concurred and stated the young pilot did a fantastic job on the transit he observed. Captain Thompson closed by stating he was hoping to see a stronger fourth quarter.

Chairman McKamie asked Captain Thompson how many full pilots the Houston Pilots had. Captain Thompson replied that the Houston Pilots currently had 82 full pilots and added that he expected that number to bump up to 85 full pilots by the end of the year. He then added they currently had 8 apprentices. Chairman McKamie then asked if the backlog in L.A./ Long Beach is affecting Houston. Captain Thompson replied that the container companies were working to bring in the vessels up to 1,120' L.O.A. and the more experience the Houston Pilots gained on such vessels the more likely Houston could permanently capture that traffic. Commissioner Garcia asked if the delta variant surge had affected the Houston Pilots. Captain Thompson responded that he had not noticed much of a difference and commended the Seafarers Center for their work on getting the sailors

vaccinated. Captain Gavis then asked Captain Thompson if the Houston Pilots still had the draft restriction in place at Bayport. Captain Thompson replied that they did and added he had discussions with Port Houston encouraging them to get the situation addressed so that he would not have to put further draft restrictions in place. Commissioner Morrison asked what the current restriction is, to which Captain Thompson stated 43’.

(PB-2021-0909-08) ARC & PBIRC Reports

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

Captain Gavis stated that the ARC and PBIRC Chairs were both unable to attend and added that he would be providing reports on their behalf. He then stated that the ARC had met on July 13, 2021 and approved 6 Branch Pilot renewal applications. He next stated that the ARC recommended agenda item 11b be approved.

(PB-2021-0909-09) 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 Michael A. Curtiss, Captain Kenneth Jones, Captain Michael K. Lawson II, Captain Rohit Malhotra, Captain Randall E. Medard, and Captain Robert L. Thompson”. Chairman McKamie asked for a motion to approve. Commissioner Bechtel 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.

- (b) Chairman McKamie requested a report from the PBIRC.

Captain Gavis stated that the PBIRC held a full hearing on May 28<sup>th</sup> regarding the M/V CMA CGM DALILA running aground near the Bayport Flare. Captain Gavis stated that the Proposed Findings and Recommendations formulated by the PBIRC could be found on page 44 of the Commissioners Briefing Book and added that the PBIRC had voted unanimously (9-0) to adopt the Proposed Findings and Recommendations. Captain Gavis proceeded to read the Proposed Findings to be, “the root cause of this event was the shoaling in the mouth of Bayport channel”. Chairman McKamie then asked Captain Thompson which part of the channel the shoaling was affecting, to which Captain Thompson responded it was primarily the Northern portion of the channel. However, he added it was protruding into the center of the channel and even past the center. Captain Thompson then explained that only a 300’ section of the channel was able to be navigated out of the 1,200’ area. Captain Thompson next stated that the Corps of Engineers had begun dredging the area, but unfortunately left the area halfway through the project. Commissioner Keeney asked Captain Thompson if the area of shoaling shows up on the pilots laptop unit. Captain Thompson responded that the Houston Pilots

tried to place the updated charts on their laptops. However, he added it was tough to get what is really going on with what is on the chart.

(PB-2021-0909-10) Chairman McKamie moved to agenda item 11d., “Consideration and possible action regarding the PBIRC’s proposed findings and recommendations regarding the M/V CMA CGM DALILA grounding near the Bayport Flare on April 22, 2020, in the Houston Ship Channel”. Chairman McKamie asked for a motion to approve the PBIRC’s proposed findings and recommendations. Commissioner Morrison moved to approve, seconded by Commissioner Beverly. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0909-11) Executive Session

At 02:36 p.m., Chairman McKamie announced the following:

The Board of Pilot Commissioners for Harris County Ports will now convene in a closed meeting, as permitted by the Texas Open Meetings Act and Government Code to conduct a private Consultation with Attorneys (Section 551.071, Texas Open Meetings Act), including consultation regarding the powers and duties of the Board of Pilot Commissioners. The Board of Pilot Commissioners will reconvene in public session after the closed meeting is adjourned.

Immediately thereafter the Pilot Board retired into closed session.

At 03: 20 p.m., Chairman McKamie reconvened the open meeting of the Board of Pilot Commissioners for Harris County Ports at the Pilot Board Office at 203 Ivy Ave., Deer Park, TX 77536, with the following Commissioners, staff, and counsel in attendance:

Captain Reginald McKamie, Chairman  
Roland Garcia, Commissioner  
Frances Castañeda Dyess, Commissioner  
Jon Keeney, Commissioner  
Michel Bechtel, Commissioner  
Brad Hance, Commissioner  
Darrell Morrison, Commissioner  
Bruce Oakley, Commissioner  
Parris Beverly, Commissioner  
Captain M. Tyler Gavis – Executive Director and Secretary  
Rachel de Cordova, General Counsel (present virtually)  
David McNeal, General Counsel (present virtually)

(PB-2021-0909-12) General Matters

Chairman McKamie moved to agenda item 14a., “ Briefings, public comment, deliberations, and possible actions regarding the following: Discuss and Vote on the Public Comment Policy developed by the Ad Hoc Rules, Policies, and Procedures committee”. Chairman McKamie asked for a motion to approve the Public Comment Policy developed by the Ad Hoc Rules, Policies, and Procedures committee. Commissioner Garcia moved to approve the policy specified on page 47 of the briefing book, seconded by Commissioner Morrison. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

Commissioner Garcia thanked the Ad Hoc Rules, Policies, and Procedures committee, along with Counsel and Captain Gavis, for the collaborative effort to formulate the Public Comment Policy. Chairman McKamie then asked Captain Gavis if he could post the policy to the Pilot Board website, to which Captain Gavis stated that he would.

(PB-2021-0909-13) Chairman McKamie moved to agenda item 14a., “ Briefings, public comment, deliberations, and possible actions regarding the following: Authorize the Executive Committee to negotiate 2022 contracts for the Pilot Board Executive Director and office lease”. Chairman McKamie asked for a motion to authorize the Executive Committee to negotiate 2022 contracts for the Pilot Board Executive Director and office lease. Commissioner Morrison 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-2021-0909-14) Other Matters

Chairman McKamie stated that there was no activity under other matters.

(PB-2021-0909-15) Commence Rate Change Hearing

Chairman McKamie moved to agenda item 16., “ COMMENCE HEARING TO CONSIDER HOUSTON PILOTS’ APPLICATION TO THE PILOT BOARD FOR A CHANGE IN PILOTAGE RATES EFFECTIVE JANUARY 1, 2022”. Chairman McKamie noted that the Houston Pilots filed a letter through their attorney which involved a personnel matter involving Pilot Board Counsel and added that the issue was not received early enough and would be placed on the agenda of the October 7, 2021 meeting.

(PB-2021-0909-16) Chairman McKamie moved to agenda item 16a., “ Discuss and Vote on Timeline and Procedures for conducting Pilotage Rate Change Hearing”.

Chairman McKamie asked for a motion to approve the timeline for conducting the Pilotage Rate Change Hearing. Commissioner Keeney moved to approve, seconded by Commissioner Oakley. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0909-17) Chairman McKamie stated that it was his proposal that the procedures for conducting the Pilotage Rate Change Hearing be as follows:

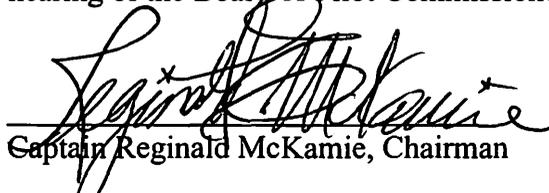
1. Written materials shall be submitted electronically to the Secretary ([tgavis@houstonpilotboard.com](mailto:tgavis@houstonpilotboard.com)) no later than September 23, 2021.
2. Written materials submitted by interested parties shall not exceed twenty (20) pages in length and shall be limited to addressing any factors relevant to determining reasonable and just pilotage rates pursuant to Transportation Code Sec.66.064 (<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.66.htm#66.064>).
3. Rebuttal submissions shall not exceed ten (10) pages in length, and shall be limited to addressing issues raised by the previous written submissions and oral presentations.
4. Any financial information received from the Houston Pilots shall be treated as confidential and trade secret information.
5. Parties who have provided written materials may make a request to appear on the Agenda and make a substantive appearance or presentation at the October 7th Pilotage Rate Change Hearing. Such requests must be received no later than twelve (12) days prior to the hearing (September 25, 2021). Any such request must include the time requested, the name of the organization and person representing same, and a general outline of the presentation.
6. Interested parties not placed on the Agenda may speak during the Pilotage Rate Change Hearing during the Public Comment Section and will be limited to five (5) minutes speaking time.

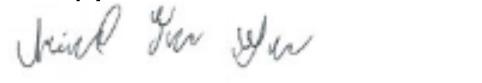
Commissioner Oakley noted that there was a typo and added that it should be Transportation Code Sec. 66.064 (which has been reflected above). Chairman McKamie asked for a motion to approve the procedures for conducting the Pilotage Rate Change Hearing after being corrected. Commissioner Bechtel moved to approve, seconded by Commissioner Oakley. Chairman McKamie asked for all in favor to say aye. All were in favor. There were no negative votes. MOTION PASSED.

(PB-2021-0909-18) Chairman McKamie moved to agenda item 16c., “ Close Hearing and Defer Public Comment, Testimony and Presentation to Continued Hearing tentatively scheduled for October 7, 2021 at 10:00am”. Captain Gavis added that he would have the approved timeline and procedures posted under the 2021 Tariff Hearing section on the Pilot Board website.

At 3:29 p.m., Chairman McKamie thanked everyone. Commissioner Bechtel then requested that the page numbers be placed on the agenda for the Commissioners, and a chart of the ship channel be available to refer to. Chairman McKamie then proceeded to adjourn the meeting.

The above is a correct copy of the Minutes of the September 9, 2021 meeting/ hearing of the Board of Pilot Commissioners for Harris County Ports.

  
\_\_\_\_\_  
Captain Reginald McKamie, Chairman

  
\_\_\_\_\_  
Captain M. Tyler Gavis, Secretary