

I N D E X

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

January 31, 2017

<i>Minute No.</i>	<i>Event/Action</i>
	General
	Chairman Longoria convened the meeting of the Board of Pilot Commissioners
	Minutes
(PB-2017-0131-01)	Approve the Minutes of the Board of Pilot Commissioners Meeting – September 27, 2016
	Appearances
	There were no appearances
	Pilot Matters
(PB-2017-0131-02)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Charles C. Lary III
(PB-2017-0131-03)	Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/T AFRAMAX RIVER allision with mooring dolphins in the vicinity of ITC Terminal on September 6, 2016, in the Houston Ship Channel
	Recess Open Meeting and Convene Executive Session
	Reconvene Open Meeting
(PB-2017-0131-04)	Motion to authorize the Port Authority to hire Mike Usher as a temporary consultant to help transition the new person
	Adjourn Meeting

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

**Houston, Texas
January 31, 2017**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on January 31, 2017 at 11:02 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, Secretary
Erik Eriksson, General Counsel
J. Kent Friedman, Orrick, Herrington & Sutcliffe LLP

Chairman Longoria convened the meeting of the Pilot Board.

(PB-2017-0131-01) Chairman Longoria called for a motion to approve the minutes of the December 13, 2016 Pilot Board meeting. Commissioner Mease moved for approval, seconded by Commissioner Corgey. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

The Pilot Board considered each Request for Pilot Board Action ("RPBA") attached to these minutes as Exhibit "A."

(PB-2017-0131-02) RPBA F1 was presented, moved by Commissioner Corgey, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F1 PASSED.

(PB-2017-0131-03) RPBA F2 was presented.

Chairman Longoria called for consideration and possible action regarding the proposed findings and recommendations of the Pilot Board Investigation and Recommendation Committee ("PBIRC") regarding the M/T AFRAMAX RIVER allision with mooring dolphins in the vicinity of ITC Terminal on September 6, 2016, in the Houston Ship Channel.

Mr. Eriksson reported that he attended the formal PBIRC hearing held on December 15, 2016 to hear testimony regarding the matter, following the PBIRC's investigation. He

noted the heroic actions of the pilots and tugboat operators, as well as members of the Port Authority Fire Department, in dealing with the allision and fire, avoiding what could have been a massive tragedy. He was particularly struck by the testimony of the pilots involved, who described being surrounded by flames on both sides of the vessel they were aboard.

Mr. Eriksson noted that the PBIRC determined that Captain McGee acted with prudent and heroic seamanship, and proposed that the Pilot Board issue him a Letter of Commendation for his heroic actions in minimizing a potentially large loss of loss of life, property, and environmental damage, by exercising superb seamanship in piloting the AFRAMAX RIVER.

Mr. Eriksson reported that similarly the PBRIC determined that Captain Phillips acted with heroic leadership onboard the AFRAMAX RIVER, and proposed that the Pilot Board issue him a Letter of Commendation for his heroic actions in minimizing a potentially large loss of life, property, and environmental damage.

Mr. Eriksson commented that this is the first time Letters of Commendation had been proposed by the PBIRC during the past eleven years, and added they were well deserved.

Commissioner Mease moved to approve the PBIRC's proposed findings and recommendations, seconded by Commissioner Corgey. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F2 PASSED.

At 11:08 a.m., Chairman Longoria recessed the public meeting and instructed Mr. Eriksson to make the following announcement:

It is now 11:08 a.m. 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), to deliberate regarding Employment and Evaluation of Public Employees (Section 551.074, Texas Open Meetings Act), including deliberations regarding public employees. The Board of Pilot Commissioners will reconvene in public session after the closed meeting is adjourned.

Immediately thereafter the Board of Pilot Commissioners retired into closed session.

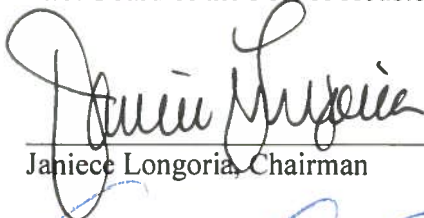
At 11:17 a.m., Chairman Longoria reconvened the open meeting at the Port of Houston Authority Executive Office Boardroom, at 111 East Loop North, Houston, Texas 77029, with the following Commissioners, staff, and counsel in attendance:

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, Secretary
Erik Eriksson, Chief Legal Officer
J. Kent Friedman, Orrick, Herrington & Sutcliffe LLP.

(2017-0131-04) Commissioner Fitzgerald moved to authorize the Port Authority to hire Mike Usher as a temporary consultant to help transition the new person on the terms discussed in Executive Session, seconded by Commissioner Mease. Chairman Longoria, and Commissioners Branch, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Commissioner Corgey abstained. Nays none. MOTION PASSED.

At 11:18 a.m., Chairman Longoria adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the January 31, 2017 meeting of the Pilot Board of the Port of Houston Authority.



Janiece Longoria, Chairman



Erik A. Eriksson, Assistant Secretary

F. PILOT MATTERS

Subject	1. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Charles C. Lary III.
Meeting	Jan 31, 2017 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS
Access	Public
Type	Action
Recommended Action	The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its January 31, 2017 meeting, recommend to the governor the commission renewal of Captain Charles C. Lary III as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective April 17, 2017, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

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.

Staff Evaluation/Justification:

Captain Charles C. Lary III has applied for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application included proof of continued education training in Fatigue Management for Pilots, Bridge Resource Management for Pilots (BRM-P), Emergency Ship handling for Pilots, Bayport Flare Turn using Manned Model, Legal Aspects of Piloting, Restricted Visibility Navigation for Pilots, Electronic Chart Display Information System (ECDIS), Manned Model Ship handling, Raven Electronic Navigation Systems Training, Radar Observer (recertification), Collision Regulation for Pilots (Col-Regs-P), Incident Management for Pilots, Error Detection & Use of Advanced Radar Techniques in Restricted Waters, and a letter on his behalf from the Houston Pilots with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain Charles C. Lary III meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Charles C. Lary III for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

F. PILOT MATTERS

Subject **2. Consideration and possible action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/T AFRAMAX RIVER allision with mooring dolphins in the vicinity of ITC Terminal on September 6, 2016, in the Houston Ship Channel.**

Meeting Jan 31, 2017 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its January 31, 2017 meeting, consider and possibly take action regarding the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the M/T AFRAMAX RIVER allision with mooring dolphins in the vicinity of ITC Terminal on September 6, 2016, in the Houston Ship Channel, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

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.

Staff Evaluation/Justification:

The PBIRC convened on December 15, 2016, and held a formal hearing to receive testimony and consider the facts in the matter of the M/T AFRAMAX RIVER allision with mooring dolphins in the vicinity of ITC Terminal on September 6, 2016, in the Houston Ship Channel, and propose findings and recommendations regarding the matter.

The following PBIRC members were in attendance:

Captain Marcus Woodring (PBIRC Chairman)
 Captain Robert Shearon (Presiding Officer Houston Pilots Association)
 Captain Michael Curtiss (Houston Pilots Association)
 Captain Sean Arbogast (Houston Pilots Association)
 Captain Richard Ford (U.S. Coast Guard retired)
 Captain Richard Russell (Port of Houston Maritime Industry)
 Paul Caruselle (Port of Houston Maritime Industry)
 Tom Marian (Port of Houston Maritime Industry)

Captain Mike Usher, as Compliance Coordinator for the PBIRC, presented incident materials he collected regarding the allision; Captain Michael McGee and Captain Michael Phillips gave testimony regarding the circumstances.

Erik Eriksson attended the hearing as counsel representing the Pilot Board, Jim Brown attended as counsel representing Captain McGee, Captain Phillips, and finally, Bruce Davies, U.S. Coast Guard Sector Houston-Galveston, also attended the hearing.

1. Regarding Captain McGee: Following its deliberations, by a vote of 8 to 0, the PBIRC proposes the following findings and recommendations to the Pilot Board:

a. Proposed Findings:

Captain McGee acted with prudent and heroic seamanship in the handling of the AFRAMAX RIVER.

b. Proposed Recommendations:

i. Issue a Letter of Commendation to Captain McGee for his heroic actions in minimizing a potentially large loss of life, property, and environmental damage by exercising superb seamanship in piloting the AFRAMAX RIVER following a runaway engine and ensuing fuel oil fire that engulfed the Houston Ship Channel in close proximity to numerous vessels and facilities laden with dangerous cargoes.

ii. To Coast Guard Sector Houston-Galveston – Strongly recommend Captain McGee be recognized, at the highest level, for his superb seamanship and heroic actions.

2. Regarding Captain Phillips: Following its deliberations, by a vote of 8 to 0, the PBIRC proposes the following findings and recommendations to the Pilot Board:

a. Proposed Findings:

Captain Phillips acted with heroic leadership onboard the AFRAMAX RIVER.

b. Proposed Recommendations:

i. Issue a Letter of Commendation to Captain Phillips for his heroic actions in minimizing a potentially large loss of life, property, and environmental damage by exercising superb leadership in communicating and coordinating all response resources while onboard the AFRAMAX RIVER following a runaway engine and ensuing fuel oil fire that engulfed the Houston Ship Channel in close proximity to numerous vessels and facilities laden with dangerous cargoes.

ii. To Coast Guard Sector Houston-Galveston – Strongly recommend Captain Phillips be recognized, at the highest level, for his superb leadership and heroic actions.