

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Tuesday, December 16, 2014, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Charles R. Amory, Jr.
Captain Robert H. Callis III
Captain J.W. Whiting Chisman III
Captain J. William Cofer
Patrick B. McDermott
Captain John A. Morgan, Jr.
Christine N. Piersall
Meade G. Stone, Jr.

Board member Thomas P. Host, III, was not present for the meeting.

Staff present for the meeting was:

Kathleen R. Nosbisch, Executive Director

There was no representative present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Stone, President, called the meeting to order at 10:30 a.m.

Call to Order

Captain Callis moved to approve the agenda. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Morgan, Piersall and Stone.

Approval of Agenda

Captain Callis moved to approve the minutes from the July 31, 2014, board meeting as amended. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Morgan, Piersall and Stone.

Approval of Minutes

Ms. Nosbisch welcomed and introduced Shelly Simonds. Ms. Simonds is the board liaison from the Board for Professional and Occupational Regulation, the policy board for the agency and may attend future meetings in an observer capacity.

Welcome & Introduction - Shelly Simonds, BPOR Liaison

There were no public comments.

Public Comment Period

On Wednesday, October 8, 2014, Captain Rabena was ordered to sail the MV Eastern Cape (IMO #9624148) from Hopewell, Virginia to Newport News, Virginia at 0830 hours. The Eastern Cape's length overall was 555 feet 8 inches, beam was 89 feet 3 inches, and deepest draft was 24 feet.

Captain Frank Rabena – M/V EASTERN CAPE

The sailing time was set for 0830 to facilitate passing through Dancing Point -

Swann Point Shoal channel with enough clearance from the channel bottom. High tide was predicted to occur at approximately 1231 hours in this vicinity.

At approximately 0920 hours Captain Rabena approached red buoy 92 on Jordan Point - Harrison Bar Windmill Point Shoal Channel. The Eastern Cape was positioned near the center of the channel and the speed over ground was approximately 8.8 knots with an engine speed of half ahead. The Eastern Cape began to roll from side to side and a large plume of mud, approximately 20 feet in diameter, appeared from the port side. The speed over ground reduced to approximately 7.8 knots. Captain Rabena immediately reduced engine r.p.m. to slow ahead and maintained the Eastern Cape's heading. After passing buoy 92, the speed over ground increased to approximately 8.4 knots and the rolling motion ceased.

The weather conditions were good. The wind speed fluctuated between 5 and 10 knots from a southwesterly direction. Visibility was clear for 10 miles. The tidal current was ebbing approximately 1.0 knot.

After review and discussion, Captain Callis moved that the letter be filed and that the Board take no action as there appears to be no violation of the Board's regulations or statutes, the letter was informational in nature. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Morgan, Piersall and Stone.

Board members reviewed follow up letters from Captains Young, Rogers and Willson, as requested at the July 31 Board meeting. The letters all indicated that the captains met the regulatory reporting requirements when submitting notification letters. Ms. Nobsch indicated there was no action necessary on the letters, they were informational in nature.

Follow up – Pilot Notification Letters

Captain Cofer informed the Board that Captain Edmunds was unable to attend the meeting and sends his regrets. Mr. Stone shared Captain Edmunds' resolution commending him for his years of service to the Board.

Presentation of Resolution – Captain Milton B. Edmunds

RESOLUTION IN HONOR OF
Milton B. Edmunds

WHEREAS, Milton B. Edmunds did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from May 1991 to May 2014; and

WHEREAS, Milton B. Edmunds did devote generously of his time, talent and leadership to the Board; and

WHEREAS, Milton B. Edmunds did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of piloting in Virginia; and

WHEREAS, the Virginia Board for Branch Pilots acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this sixteenth day of December 2014, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for Milton B. Edmunds and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ORDERED that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to Milton B. Edmunds.

On behalf of the entire Board, Captain Cofer recognized Captain Edmunds for being a wonderful Board member who cares about the Board and pilotage. Ms. Nosbisch stated that Captain Edmunds will be invited to a future Board meeting so the Board may express their gratitude in person.

Ms. Nosbisch informed the Board that the Records and Meetings workgroups for the Freedom of Information Act (FOIA) Advisory Council met as part of the Council's ongoing three year comprehensive review of FOIA pursuant to HJR96, 2014 and they reviewed subsection 19 of §2.2-3705.7 (records of the Board for Branch Pilots related to chemical testing) and recommended to retain the exemption.

**Update – FOIA
Advisory Council**

Captain Morgan provided the Board with a report of the meeting of Examination Administrators from December 9 and 10, 2014. The Examination Administrators reviewed the renewal applications for the 2015 calendar year and presented the following report:

**Renewal of
Licenses**

The following branch pilot licenses were presented for renewal: E. Waightstill Avery; John Brockington Beasley, Jr.; Charles I. Boggs, Jr.; Robert H. Callis, III; Julian Wythe Whiting Chisman, III; James William Cofer; January N. Collins; William G. Diggs; Ernest W. Dodson, Jr.; Robert Henley Dozier, III; Milton B. Edmunds; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Herbert R. Green, III; Nathaniel T. Green, II; Adam L. Halstead; Kevin D. Hartz; Wallace S. Harwood, III; David H. Heath; Charles H. Hoffman; Richard Keith Hope; Brian Keith Hudgins; Charles A. Huffman; Chadwick M. Jamison; Jacob R. Johnson; Benjamin B. Lee; Joseph R. McKnew; Dale Allen Meyer, Jr.; John A. Morgan, Jr.; John G. Phillips, Jr.; Robert L. Prodan, II; Frank M. Rabena; Roy A. Rector, Jr.; Torrence A. Rogers; Thomas D. Rutter; William G. Saunders, Jr; Joseph M. Schacherer III; Gustave B. Schill; Benjamin L. Speckhart; Luther J. Stallings, III; Gilbert R. Swink, III; James South Trimble; David B. Ware; Jonathan D. Worth; and Clarence M. Young.

The members of the Examination Administrators Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Morgan moved to approve the

renewal applications of the above-listed unlimited licensees. Mr. Amory seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Morgan, Piersall and Stone. Captains Callis, Chisman, Cofer, and Morgan abstained from voting on their respective licenses.

The following limited branch pilot licenses were also presented for renewal: Christopher H. Behm; and Gregory R. Willson.

The members of the Examination Administrators Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Morgan moved to approve the renewal applications of the above-listed limited licensees at their respective limitations as of December 31, 2014. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Morgan, Piersall and Stone.

Captain Morgan moved to waive the requirements of subsection C.3 of regulation 18VAC45-20-20, pursuant to subsection C.4 of regulation 18VAC45-20-20, for transit on the Lower Chesapeake Bay from Cape Charles to Washington, DC, on the Potomac River for the following branch pilot due to no ship traffic: E. Waightstill Avery; John Brockington Beasley, Jr.; William G. Diggs; Dale Allen Meyer, Jr.; John A. Morgan, Jr.; Roy A. Rector, Jr.; Thomas D. Rutter; and James South Trimble. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Piersall and Stone. Captain Morgan abstained from voting on his respective license.

Captain Morgan moved to waive the requirements of subsection C.3 of regulation 18VAC45-20-20, pursuant to subsection C.4 of regulation 18VAC45-20-20, for transit on the James River from Deepwater Terminal to the Upper Municipal Terminal for the following branch pilot due to no ship traffic: Milton B. Edmunds; and for J, William Cofer, from the James River Bridge to Richmond Deepwater Terminal. Mr. Amory seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, McDermott, Morgan, Piersall and Stone. Captain Cofer abstained from voting on his respective license.

Captain Callis announces the retirement of Captain Lorenzo D. Amory after over thirty years of pilotage.

Mr. Stone read correspondence from Captain Ware of the Apprenticeship Committee of the Virginia Pilot Association recommending there be no additions or revisions to the Virginia Pilot Apprenticeship Training Program. Captain Callis moved to approve the Apprenticeship Program, Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Chisman, Cofer, McDermott, Morgan,

**Review of
Virginia Pilot
Association's
Apprenticeship
Program**

Piersall and Stone.

Ms. Nosbisch read correspondence from James Flaherty, Board Counsel, as he was unable to attend the meeting. In his letter, Mr. Flaherty stated, that pursuant to § 54.1-100 of the *Code of Virginia*, a review of the Board's regulations had been conducted and there were no conflicts in its regulations with the Constitution of the United States, the Constitution of Virginia, the laws of the United States, or the laws of the Commonwealth of Virginia.

**Review of
Regulations
Pursuant to
§54.1-100 of the
Code of Virginia**

Ms. Nosbisch shared with the Board Mr. DeBoer's best wishes for happy holidays, apologies for being unable to attend the meeting and he looks forward to seeing them at the January meeting.

Other Business

Conflict of Interest forms and travel vouchers were completed by all members present.

**Conflict of
Interest Forms**

There being no further business, the meeting was adjourned at 11:23 a.m.

Adjourn

Meade G. Stone, Jr., President

Jay W. DeBoer, Secretary