

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Friday, October 30, 2009, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis, III
Bruce R. Cherry
Captain J. William Cofer
Thomas P. Host, III
William M. Martin, III
Douglas E. Miller
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Board member Captain Milton B. Edmunds was not present at the meeting.

Staff present for the meeting were:

Jay DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen R. Nosbisch, Executive Director
Amy Goobic, Administrative Assistant

Cynthia Norwood was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 9:30 a.m.

Call to Order

Mr. Miller moved to approve the agenda. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Approval of Agenda

Captain Callis moved to have the minutes approved. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Approval of Minutes

At 9:35 a.m., Mr. Stone moved that the Board for Branch Pilots convene a closed meeting under the Virginia Freedom of Information Act to confer with legal counsel relating to the Application for License of Walter Hugh McCrory, Jr., a matter lawfully exempted from open meeting requirements under the "consultation with legal counsel" exemption contained in §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Cynthia Norwood, Kate Nosbisch, Jay DeBoer, Mark Courtney and Nick Christner. Mr. Miller seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

**Closed Meeting -
Consideration of
Application for
License: Walter
Hugh McCrory, Jr.**

Captain J. William Cofer recused himself from the meeting.

At 10:30 a.m., Mr. Martin moved to adjourn the closed meeting and to immediately reconvene in open meeting. Mr. Miller seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Host, Martin, Miller, Morgan, and Stone.

Open Meeting

Captain Cofer returned to the meeting.

**Return of Captain
Cofer**

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board for Branch Pilots has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in the closed meeting to which the certification applies, and (II) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

VOTE: 7-0

AYES: Callis, Cherry, Host, Martin, Miller, Morgan, and Stone.

NAYS: 0

ABSENT FROM MEETING: 2 – Cofer and Edmunds

Mr. Miller moved to defer any action on Mr. McCrory's application for license until the December 15, 2009, board meeting, giving time for DPOR to investigate the voluntary deposit of Mr. McCrory's state pilot license to the Board for Branch Pilots. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on October 30, 2009. The following report was made:

**Exam
Administration
Report**

Adam L. Halstead

Adam L. Halstead answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, safe vessel speed, under keel clearance, timely use of bridge-to-bridge radiotelephone, small boat traffic, situational awareness and precautionary measures for the protection of right whales.

Mr. Halstead stood a good examination and was found to be qualified. Captain Callis moved that Mr. Halstead be raised from an Alpha classification (16,000 gross tons and 25 feet maximum draft) to a Bravo classification (24,000 gross tons and 28 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Charles A. Huffman V

Charles A. Huffman V answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, safe vessel speed, under keel clearance, timely use of bridge-to-bridge radiotelephone, small boat traffic, situational awareness and precautionary measures for the protection of right whales.

Mr. Huffman stood a good examination and was found to be qualified. Captain Callis moved that Mr. Huffman be raised from an Alpha classification (16,000 gross tons and 25 feet maximum draft) to a Bravo classification (24,000 gross tons and 28 feet maximum draft). Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Mr. Host recused himself from the meeting as the company he works for, T. Parker Host, Inc., was the agent for the ship involved in the incident letters from Captains Ernest W. Dodson, Jr. and John A. Morgan, Jr.

Recusal of Mr. Host

The Board reviewed a letter from Captain Ernest W. Dodson, Jr., regarding an incident on August 5, 2009, involving the M/V CLIPPER GLORY.

Captain Ernest W. Dodson, Jr. – M/V CLIPPER GLORY

On August 5, 2009, at 2100 Captain Dodson sailed the M/V CLIPPER GLORY from Honeywell Dock, Hopewell in route to Transmontaigne Dock on the Elizabeth River, Hampton Roads. The vessel had orders to dock at 0700 on the 6th. They transited the James to make a 0345 ETA at the James River Bridge, a 0430 ETA at Newport News Channel and a 0600 ETA at Hospital Point.

At approximately 0200, the M/V CLIPPER GLORY was approaching Rocklanding Shoal Channel, which is located between the Reserve Fleet

and the James River Bridge. At that time, the engine order was slow ahead and the ship speed was approximately 8 knots. Wind was southerly at 5-7 knots, visibility was 3-5 miles in light to moderate rain with isolated thunderstorms in the area. Current was ebbing at approx. 0.5 knots.

Shortly after entering the Rocklanding Shoal Channel, at approximately 0217, Captain Dodson observed a series of flares shooting off from alongside the starboard bow of the ship. The Second Officer on watch and Captain Dodson went to the starboard wing and observed an unlighted sailboat alongside the ship abeam #3 hatch about 200 feet aft of the bow. The sailboat was holding position alongside the ship's hull while someone in the boat was shooting flares up and away from the ship. Captain Dodson immediately reduced speed to dead slow ahead and contacted the sailboat via VHF Channel 16, as they were hailing the Coast Guard with MAYDAY calls. Captain Dodson ascertained that all persons (2) on board were safe and uninjured. The boater told Captain Dodson that the sailboat anchor line was across the bow of the ship and his vessel was being towed by the ship down the river. Captain Dodson switched over to channel 14 VHF and continued conversing as to the safety and condition of the sailboat with the Coast Guard monitoring and the Coast Guard suggesting that Captain Dodson switch to channel 22A.

After it was established that the persons aboard the sailboat were safe and unharmed, and that the sailboat was undamaged and riding well, Captain Dodson advised the boater that he could not stop the ship until he cleared the channel due to the draft and the size of the vessel relative to the channel width. The CLIPPER GLORY's draft was 24 feet even keel, the channel is 300 feet wide and the ship's beam is 91.84 feet and length of 586.1 feet. Captain Dodson could not reduce the ship speed below a dead slow bell which is about 5.7 knots through the water. Captain Dodson made it clear to the boater that he was totally in charge of his vessel and he was responsible for remaining alongside or cutting the anchor rode. The boater advised that he understood and would continue alongside until they cleared the end of the channel and could slow further. Accordingly, with the sailboat riding alongside comfortably, with the 2 people on board safe, with constant VHF contact, Captain Dodson transited at minimum speed the remainder of Rocklanding Shoal Channel.

At approximately 0310 a Coast Guard vessel arrived on scene. As the CLIPPER GLORY cleared the channel, Captain Dodson was able to stop the ship's engine and reduce speed until the sailboat crew cut the anchor line and drifted clear of the ship without further contact between the vessels. The sailboat was clear at 0325.

The Coast Guard granted the ship permission to proceed to their berth. The Coast Guard vessel assisted the sailboat to a marina. At 0415, just south of

the James River Bridge at Newport News, Captain Dodson was relieved by Captain January Collins who continued the transit to the berth. Captain Dodson reported directly to the Virginia Pilot Association MRO facility and at 0545, August 6th submitted to State of Virginia and Federal Drug and Alcohol post- incident screenings. All tests were negative.

The boater on the sailboat made the statement during the extended three way conversations that the house batteries were dead on the boat and that they had engine problems so they had anchored and gone to sleep. As Captain Dodson and the ship's officers had not visually seen a sailboat in the channel, and had not seen any radar target in the channel, Captain Dodson had to assume that the sailboat was lying outside the channel to the starboard with its anchor rode stretched across the channel like a trip wire when the CLIPPER GLORY passed. The sailboat must have anchored in the channel and was lying with its anchor line running perpendicular across the channel when the ship's bulbous bow picked it up. Given the position of the sailboat alongside the ship at the #3 hatch, 200ft back from the bow, it must have been swinging on 250 -300 feet of anchor line in a channel only 300 feet wide. The sailboat was a light centerboard boat, so instead of parting, the anchor line held and the boat was pulled along.

USCG Investigating Officer Diana Bailey, contacted Captain Dodson at 0900 on the morning of the incident from the CLIPPER GLORY and he provided some basic information about the ship's track and location. On the afternoon of the 6th, Officer Bailey told Captain Dodson she had inspected the sailboat and interviewed the two persons onboard and the vessel damage was superficial and the crew had signed statements affirming that they were not injured. She needed no further information as the Coast Guard had determined that this event was not a reportable incident.

After review and discussion, Mr. Martin 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. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Martin, Miller, Morgan, and Stone.

Captain Morgan recused himself from the meeting and left the room as he was the pilot involved in the incident letter.

Recusal of Captain Morgan

The Board reviewed a letter from Captain John A. Morgan, Jr., regarding an incident on August 10, 2009, involving the M/V CLIPPER GLORY.

Captain John A. Morgan, Jr. – M/V CLIPPER GLORY

Captain Morgan was ordered to sail the M/V CLIPPER GLORY from Transmontaigne Dock in the Southern Branch of the Elizabeth River to Sea. This vessel is a bulk ship with an overall length of 586 feet 03 inches; a width of 91 feet and a gross tonnage of 19,971. The vessel's draft was 32 feet. The current was flooding.

Upon boarding the vessel, Captain Morgan had a master pilot exchange. At 2312 they took in their last line and began the undocking. The M/V CLIPPER GLORY proceeded up the Southern Branch under the con of the docking master until they reached Town Point, where the docking master was relieved and departed the vessel, and Captain Morgan took the con. This occurred at approximately 2342. At that time the winds were light, the visibility was clear and the current was flooding.

At about 2347 Captain Morgan noticed heavy lightening coming from the northwest, which alerted him to the possibility of encountering a squall and gusty winds.

As Captain Morgan was approaching his turn at Lamberts Point Bend, he contacted the tug GOLD COAST which was southbound with a barge near buoy 8, and they agreed that they would pass port to port.

At approximately 0024 hours after making the turn at Buoy 15 by Norfolk International Terminals and coming to a course of 004, the wind started to pick up out of the west. It was then that Captain Morgan observed that the tug GOLD COAST and the barge it was pushing ahead were crowding the CLIPPER GLORY's side of the channel. Captain Morgan immediately called the tug and told him he needed to come to his starboard and get on his side of the channel. He agreed. Captain Morgan estimated the distance from the CLIPPER GLORY to the GOLD COAST at the time of this conversation was about a half mile. The speed of the CLIPPER GLORY at this time was approximately 9 knots.

Shortly thereafter, the wind gusts from the west increased substantially, and Captain Morgan could see the barge setting down toward them. Captain Morgan called the tug GOLD COAST again and told him that he needed to come hard to starboard as he was getting too close to the CLIPPER GLORY and that if he didn't do it they were going to hit. The GOLD COAST then informed Captain Morgan that they were hard right and had been trying to get to their side of the channel but that the wind was pushing the light barge and couldn't get the barge or tug to respond back to starboard. Captain Morgan estimated the distance between the CLIPPER GLORY and the GOLD COAST and barge at that time was about 0.3 miles.

At this time, Captain Morgan ordered hard to starboard rudder and half ahead. As the ship started turning to starboard, the barge hit the CLIPPER GLORY with a glancing blow just behind her port bow at approximately 0026 hours. At the time of the collision the Master of the CLIPPER GLORY reported wind gusts up to 35 knots, and the tugmaster reported gusts up to 40 knots.

The captain immediately ordered his ship to be checked for damage and it

was reported back to him that the only damage sustained was a 12 to 15 foot scrape on the port side.

Captain Morgan then called the tug GOLD COAST and told him that the port side of the barge had suffered a 12 foot buckling but that the tug had no damage. There were no injuries reported on either vessel.

Captain Morgan immediately called the U.S. Coast Guard to report the incident and informed them of the damage and that the Captain wanted to continue his transit to his next port. The Coast Guard said they would get back in touch with Captain Morgan and later told them to anchor in Lynnhaven Anchorage.

Before getting off the ship, Captain Morgan was asked by the Captain to take a breath test for alcohol, which he completed and which was negative.

Immediately upon getting ashore, Captain Morgan took a urine drug test and also another breath test for alcohol and the result of this was 000.

After review and discussion, Mr. Martin 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. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Martin, Miller and Stone.

Mr. Host and Captain Morgan returned to the meeting.

**Return of Mr. Host
and Captain
Morgan**

The Board reviewed a letter from Captain John A. Jones, Jr., regarding an incident on August 13, 2009, involving the S/S ENERGY ENTERPRISE.

**Captain John A.
Jones, Jr. – S/S
ENERGY
ENTERPRISE**

On Thursday August the 13th, 2009 Captain Jones was ordered to the S/S ENERGY ENTERPRISE for 1230 on board to shift the vessel from Dominion Terminal ("DTA") in Newport News to Chesapeake Energy Center down the Southern Branch of the Elizabeth River.

The ENERGY ENTERPRISE is a 28,250 gross ton bulk carrier, 665 foot long with a beam of 95 feet. Her draft was reported to be 34' 05" and the sailing time was arranged to accommodate a high water arrival at the Gilmerton Bridge. Having piloted this vessel many times over the years Captain Jones was quite familiar with her maneuvering characteristics.

Captain Jones boarded the vessel at approximately 1145 and proceeded to

the bridge. After setting up the DPGS Unit the ship's Captain and Captain Jones conducted a Master / Pilot Exchange discussing information pertinent to the transit.

At approximately 1215 Captain Tyler Moore, the docking master, boarded the vessel and they proceeded to get underway from DTA. The undocking was uneventful and once completed Captain Jones took over the con from Captain Moore and they proceeded from DTA to Hospital Point without incident.

At approximately 1400 Captain Jones was relieved of the con by Captain Moore who had stayed on board for the transit and would be their Docking Master at Chesapeake Energy Center. He was assisted by two McAllister tugs, the EMILY ANNE MCALLISTER, astern, and the STEVEN MCALLISTER on their starboard bow.

At approximately 1410 they entered the Southern Branch of the Elizabeth River and proceeded with a routine transit at a rate to arrive at high water.

As they made their approach to the Gilmerton Bridge their speed was down to 1 knot and decreasing as they positioned themselves for the transit through the bridge. Captain Moore ordered the tug STEVEN MCALLISTER to make fast with a single line through the bullnose, and the tug EMILY ANNE MCALLISTER make fast aft in the center of the stern. The Captain of the ENERGY ENTERPRISE and Captain Moore then proceeded to the port wing of the ship to get a better visual vantage for the east side of the opening. Captain Jones informed the docking master that he would take his VHF handheld and go to the starboard wing to keep watch on the west side.

From the location and angle of the quarter of the STEVEN MCALLISTER tug, it appeared to be operating nose to nose against the bow of the ENERGY ENTERPRISE as she maneuvered to push the ship to the east so as to complete the alignment of the ship to the opening of the bridge. Everything to this point was a textbook approach when Captain Jones heard on his handheld VHF a transmission from the STEVEN MCALLISTER that he had just "slipped off" the bow and would get back into position so he could push with full power. At this time the STEVEN MCALLISTER moved completely out of Captain Jones' line of sight which was blocked by the bow of the ENERGY ENTERPRISE. The next thing Captain Jones heard on the VHF was "My stern is against the fender system."

Due to the position of the STEVEN MCALLISTER, Captain Jones still had no visual contact with the tug; he did however, see debris mixed in with the quick water of the tug. Captain Jones then went to the port wing to ascertain the situation from there and was informed that the tug had backed into the fender system of the bridge. Captain Jones then went back to

the starboard wing to see what that vantage point revealed now and he could see the fender system had been demolished. Captain Jones then returned to the bridge to inform the Master and the Docking Master what he had seen and they decided that because of the amount of debris in the water that the bridge was impassable. Their decision was to return to Sewell's Point Anchor. Captain Jones then called the United States Coast Guard to report the incident and to suggest the closure of the waterway until they concluded it safe for traffic. They then turned the vessel around and returned to anchor without incident.

At 1900 Captain Jones departed the ENERGY ENTERPRISE in G-3 Anchorage and proceeded immediately to I & O Medical Center in Newport News and submitted to Alcohol and Drug testing as required. Captain Jones completed testing at 1935 that evening.

After review and discussion, Mr. Martin moved that the action on the letter be deferred until the December 15 board meeting, as the letter did not contain the results of the drug and alcohol test. Captain Cofer requested that a letter be sent to Captain Jones, on behalf of the Board, requesting the results. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Discussion was held regarding the recommended changes and addition of HIPAA language to the Drug and Alcohol forms provided by Ms. Norwood. The Board agreed that if the drug and alcohol testing vendor should change from the company stated on the form that is signed by the pilots, the form would be changed and the pilots would be required to sign a new form with a new effective date. Mr. Martin moved to approve the authorization form and make it a part of the license renewal package. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

Regulatory Review

Mr. Miller moved to approve the revised language as presented for 18VAC45-20-40. Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Host, Martin, Miller, Morgan, and Stone.

The Board unanimously agreed to amend the agenda and take part in the Conflict of Interest Act training after the meeting had adjourned.

Amendment of Agenda

There was no other business.

Other Business

The Board members recessed from 11:10 a.m. until 11:15 a.m. to allow staff to set up training resources.

Recess

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:15 p.m..

Adjourn

The Board members participated in the Conflict of Interests Act training as it is required of all board members. Board members signed certificates verifying that they had completed the training course.

**Conflict of Interest
Act Training**

Bruce R. Cherry, President

Jay W. DeBoer, Secretary

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