

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Wednesday, December 11, 2012, 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. William Cofer
Captain Milton B. Edmunds
Thomas P. Host, III
Patrick B. McDermott (arrived at 10:38 a.m.)
Captain John A. Morgan, Jr.
Christine N. Piersall
Meade G. Stone, Jr.

Staff present for the meeting was:

Kathleen R. Nusbisch, 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 10:34 a.m.

Call to Order

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

**Approval of
Agenda**

Captain Callis moved to approve the minutes from the October 31, 2012, board meeting. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, Morgan, Piersall and Stone.

**Approval of
Minutes**

There were no public comments.

**Public Comment
Period**

Ms. Nusbisch relayed a message from Mr. Dixon and Mr. Lief, sending their greetings and expressing their regret at not being able to attend the meeting.

Mr. Stone called Mr. Cherry forward and presented him with a resolution for his years of service to the Board for Branch Pilots.

**Presentation of
Resolution to Mr.
Bruce Cherry**

RESOLUTION TO

Bruce Ronald Cherry

WHEREAS, Bruce Ronald Cherry did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from June of 1978 to April of 2012;

WHEREAS, Bruce Ronald Cherry did devote generously of his time, talent and

leadership to the Board, serving as Vice-President of the Board from 1986 to 2007, and President of the Board from 2007 to 2012;

WHEREAS, Bruce Ronald Cherry did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the Virginia Board for Branch Pilots wishes to acknowledge 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, by the Virginia Board for Branch Pilots this thirty-first day of October, 2012, that Bruce Ronald Cherry be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Captain Callis provided the Board with a report of the examination conducted by the Examination Administrators on December 11, 2012. The following report was made:

Exam
Administrators
Report

Charles A. Huffman V

Captain Huffman has successfully completed the Virginia Pilot Association Apprenticeship Training Program. Captain Huffman provided a chart sketch of the sealanes and answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep loaded vessels, tidal sailings and arrivals, under keel clearance, deep-water route, naval nomenclature and chain of command, and safe vessel speed. Captain Huffman graduated from James Madison University with a bachelor's degree in Business Administration, and possesses a valid Merchant Mariner Credential as an unlimited Federal Inland Master with a first class pilot endorsement issued by the United States Coast Guard. During his tenure as a limited Branch Pilot, Captain Huffman has been on over 2,000 ships. Captain Huffman stood a good examination and was found to be qualified. Captain Callis moved that Captain Huffman be raised from a Hotel classification (64,000 gross tons and 46 feet maximum draft) to a full Branch Pilot. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone.

Captain Cofer expressed admiration for Captain Huffman and shared with the Board the adversities he had overcome in the past year and a half to successfully complete the apprenticeship training program, and acknowledged

his accomplishments.

The Board recessed from 11:00 a.m. until 11:30 a.m. giving all in attendance the opportunity to review chartlets, take photographs, and congratulate Captain Huffman.

Recess

Captain Edmunds provided the Board with a report of the meeting of Examination Administrators from December 4 and 5, 2012. The Examination Administrators reviewed the renewal applications for the 2012 calendar year and presented the following report:

**Exam
Administrators
Report**

The following branch pilot licenses were presented for renewal: Lorenzo D. Amory, III; 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 L. Counselman; 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; W. S. Harwood, III; David H. Heath; Charles H. Hoffman; Richard Keith Hope; Brian Keith Hudgins; Chadwick M. Jamison; Jacob R. Johnson; John Allison Jones, Jr.; 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; 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 Edmunds moved to approve the renewal applications of the above-listed unlimited licensees. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone. Captains Callis, Cofer, Edmunds, and Morgan abstained from voting on their respective licenses. Mr. Amory abstained from voting on the license of Captain Lorenzo D. Amory III, as they are brothers.

The following limited branch pilot licenses were also presented for renewal: Christopher H. Behm; Charles A. Huffman; William G. Saunders, Jr.; Joseph M. Schacherer III; 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 Edmunds moved to approve the renewal applications of the above-listed limited licensees at their respective limitations as of December 31, 2012. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains:

Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone.

Captain Edmunds 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 Potomac River for the following branch pilots due to no ship traffic: John Brockington Beasley, Jr. and Dale Allen Meyer, Jr. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone.

Captain Edmunds reported that no ship has transited the York River above Pages Rock in more than six years. Therefore, Captain Edmunds 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 above Pages Rock on the York River for the following branch pilot due to no ship traffic: William L. Counselman. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone.

Captain Cofer reported that after 45 years of great seamanship and service to the Virginia Pilot Assoc, Captain Robert L. Holland, Jr. was retiring. The Board asked by consensus that Ms Nobsch send Captain Holland a letter congratulating him and thanking him for his service.

At its October 31 meeting, the Board requested additional information from Captain William G. Saunders, Jr. regarding an incident aboard the M/V KAAAN KALKAVAN August 28, 2012 and the subsequent letter he submitted following the incident. The Board reviewed a follow-up letter from Captain William G. Saunders, Jr.:

Incident Letter
Follow-up – M/V
KAAAN
KALKAVAN

The M/V KAAAN KALKAVAN was equipped with a left-handed controllable pitch propeller. When the propeller's pitch is negative (astern), the transverse thrust acting on the ship will typically result in the ship twisting in a clockwise motion, that is the stem will move to port and the bow will move to starboard. The decision to decline tugboats was made at Cape Henry, where the weather was sunny and calm, with NNW winds at 5 knots. As the ship approached Old Point Comfort, Captain Saunders saw that a thunderstorm was developing over Newport News. The storm was moving in an Easterly direction, not to the South toward NIT. The ship was only 30 minutes away from the berth, and would be sailing away from the storm during those 30 minutes. Captain Saunders decided that turning South toward NIT would put more distance between the ship and the storm system, and felt they could dock without having any effects from the storm.

The ship's bridge was enclosed and included three bridge consoles. The main console was located in the centerline position, and one auxiliary console on

the extreme end of each bridge wing. Captain Saunders was conning the ship from the area of the main console and radars near the centerline of the ship from Cape Henry to NIT. The controls on the bridge wing consoles were never utilized. As the ship approached the entrance to the south container berth of NIT at 1730, Captain Saunders ordered the rudder to port to begin the turn into the berthing area. The vessel's speed over ground (SOG) was 5 knots, and the wind was out of the NNW at 8-10 knots. Intentions were to turn to starboard once in the turning basin of the berthing area, to facilitate a starboard side alongside docking. At 1734, NIT Buoy "28" was on the starboard beam and the vessel's SOG was 4 knots. The rudder position was shifting between starboard 5 degrees and starboard 10 degrees, keeping the ship's heading steady on approximately 120 degrees True. Captain Saunders then ordered the ship's engine to "Slow Astern" to reduce the ship's SOG. He then noticed that the ship's speed reduced more quickly than anticipated, and immediately ordered "Stop Engine". At this time, when the ship's speed was reduced more than he had intended, making it more susceptible to lateral wind forces, they felt the effects of peripheral wind from the storm to the North. The wind gusted to 25-28 knots out of the NNW for a minute or two, blowing broad on the beam against the accommodation house, and pushing the vessel South toward NIT Buoy "4S". Captain Saunders then moved to the starboard bridge wing to keep an eye on the Buoy. He ordered the vessel "Half Ahead" and the rudder "Hard to Starboard" with intentions of increasing the vessel's SOG and lifting the stem away from the buoy.

The Mate verbally acknowledged Captain Saunders's orders, however, the propeller pitch indicator showed the propeller to have negative pitch which would give the ship astern propulsion, further reducing the ship's speed. Captain Saunders again gave the Mate the command of "Half Ahead". He stated that the engine was "already at Half Ahead", which is when Captain Saunders told him that it was not, and instead it was in the astern position. Captain Saunders estimated the propeller was working astern for approximately 15 seconds. At this point, the pitch indicator moved from the astern position to stop, and then began to come ahead. However, contact with the buoy was inevitable at this point, and Captain Saunders gave the order to "Stop Engine" to prevent wrapping the buoy and its chain around the propeller shaft. This order was carried out. One of the ship's Mates operated the helm, engine, and thruster controls for the ship from the main console on the ship's centerline from Old Point Comfort until they were alongside the pier at NIT.

As previously stated, the controls on the bridge wing consoles were not used. The communication onboard was acceptable. The Captain, crew, and Captain Saunders seemed to understand one another's English. However, as stated in Captain Saunders's previous letter, as they entered the entrance to NIT, the Captain and the Mate, who were controlling the helm, engine, and thrusters, began speaking in their native language, which Captain Saunders did not understand. Captain Saunders suspected that this dialog between the

Captain and the Mate interfered with my "Half Ahead" command. Captain Saunders believed that either the Captain was giving the Mate different orders, or the Mate inadvertently moved the telegraph in the wrong direction.

After briefly losing sight of the buoy from the bridge, the buoy reappeared behind the stem of the ship, and seemed to be unharmed. The Captain stated that everything was ok. At this time, the ship was in the turning basin, and the wind gusts had subsided. As usual procedure with the Turkon ships, the Captain will verbally ask to take the con when he is comfortable and prepared to finish the docking maneuver, and he did so at this time. He then turned the ship to starboard and proceeded to the berth. The remainder of the transit to the berth was uneventful. The temporary 25 knot wind gust had returned to 8-10 knots after one or two minutes and remained at that velocity through the end of the docking.

In the future Captain Saunders will continue to carefully watch weather systems that may impact prudent vessel maneuvering and to consider all options available including ordering additional tugboats or anchoring. When thunderstorms are in the vicinity, Captain Saunders is aware that there can be wind impacts in peripheral areas from the storm, as this incident has shown. In this particular situation, while he believed they would have docked and been made fast to the shore without being impacted by the storm to the North, the outlying wind gusts from the storm did affect their maneuvering.

Captain Saunders felt that he was maneuvering the vessel safely and that even with the wind gust they encountered, they would have avoided the buoy were it not for the coincidental timing of the mate's inadvertent error with the engine controls.

Captain Edmunds stated that there was an obvious communication problem, that Captain Saunders repeated himself and there was a lack of response from the crew. After review and discussion, Captain Edmunds 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. Amory seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone.

In follow-up to discussion at the October 31, 2012, Board meeting, Captain Cofer provided an additional report on the Virginia Pilot Association's Apprenticeship Program stating that there may be significant changes in the future involving tractor tugs in the apprenticeship program. Captain Cofer will keep the Board apprised of any changes. A letter from Captain Ware of the Apprenticeship Committee of the Virginia Pilot Association dated September 19, 2012, was reviewed by the Board. Captain Cofer recommended that there be no additions or revisions to the Virginia Pilot

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

Apprenticeship Training Program.

Captain Cofer moved to approve the Apprenticeship Program, Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone. Mr. Host moved to delegate the operation and administration of the program to the Virginia Pilot Association for 2013. Mr. Amory seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Amory, Callis, Cofer, Edmunds, Host, McDermott, Morgan, Piersall and Stone.

Ms. Nobsisch informed the Board that pursuant to § 54.1-100 of the *Code of Virginia*, a review of the Board's regulations had been conducted by board counsel, Josh Lief, and he indicated 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. Nobsisch informed the Board that the new regulations took effect December 1, 2012.

**Regulatory
Update**

Ms. Nobsisch provided details on the Governor's Regulatory Reform Initiative, explaining that there had been a public comment period November 5 – December 5, affording the public opportunity for feedback on any regulations thought unnecessary or burdensome. There were no comments received regarding the Board for Branch Pilot regulations.

Mr. Host inquired about the status of the Walter High McCrory, Jr. appeal. Ms. Nobsisch stated that board counsel had no new information for the Board at this time.

Other Business

Ms. Nobsisch reminded the Board that completed online financial disclosure statements were due January 15, 2013.

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 12:20 p.m.

Adjourn

Meade G. Stone, Jr., President

Gordon N. Dixon, Secretary