

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Tuesday, December 15, 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
Captain Milton B. Edmunds
Thomas P. Host, III
William M. Martin, III
Douglas E. Miller
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Staff present for the meeting were:

Mark N. Courtney, Deputy Director for Licensing and Regulation
Kathleen R. Nosbisch, Executive Director
Nick A. Christner, Deputy Director of Compliance and Investigation

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 9:32 a.m.

Call to Order

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

**Approval of
Agenda**

Mr. Martin moved to approve the minutes from the October 30, 2009, meeting as amended. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan and Stone.

**Approval of
Minutes**

Captain Edmunds provided the Board with a report of the meeting of Examination Administrators from December 8 and 9, 2009. The Examination Administrators reviewed the renewal applications for the 2010 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; 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; Kevin D. Hartz; W. S. Harwood, III; David H. Heath; Charles H. Hoffman; Robert Lee Holland, Jr.; 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; 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 Examinations 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. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone. Captains Callis, Cofer, Edmunds, and Morgan abstained from voting on their respective licenses.

The following limited branch pilot licenses were also presented for renewal: January N. Collins, Adam L. Halstead, Charles A. Huffman; and Benjamin L. Speckhart.

The members of the Examinations 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, 2009. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Captain Edmunds reported that no ship has transited the York River above Pages Rock in over five years. Therefore, Captain Edmunds moved to waive the requirements of subsection C.3 of regulation 18 VAC 45-20-20, pursuant to subsection C.4 of regulation 18 VAC 45-20-20, for transit above Pages Rock on the York River for the following branch pilots due to no ship traffic: Robert H. Callis, III; William L. Counselman; William G. Diggs; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Charles H. Hoffman; and John A. Morgan, Jr. Mr. Miller seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone. Captains Callis and Morgan abstained from voting on their respective licenses.

Captain Cofer provided a report on the Virginia Pilot Association's apprenticeship program. A letter from Captain Ware of the Apprenticeship Committee of the Virginia Pilot Association recommended the following additions and revisions: Objectives 2.12 – Complete 2 weeks Hampton Roads Launch changed to 3 weeks; 2.4 – Loran deleted; 4.1 – 20 foot single screw launch changed to 42 foot R.H.I.B. with twin jet drives; and 8.75 – Tidewater

Review of
Virginia Pilot
Association's
Apprenticeship
Program

School of Navigation (TSN) changed to Mid-Atlantic Maritime Academy (MAMA). Captain Callis moved to approve the changes to the apprenticeship program and adopt the program as amended and delegate the operation and administration of the program to the Virginia Pilot Association for 2010. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

The Board reviewed a follow-up letter from Captain John A. Jones, Jr., regarding an incident on August 13, 2009, involving the S/S ENERGY ENTERPRISE. At their meeting of October 30, 2009, the Board reviewed the initial incident letter which did not contain the results of Captain Jones drug and alcohol test. In a letter dated November 4, 2009, Captain Jones provided the negative test results to the Board.

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

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. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Captain Cofer inquired if it was necessary for pilots to file results of their drug and alcohol testing, since the testing company would notify appropriate parties of a positive test. After discussion, the Board determined that it was necessary for the pilots to include test results in their incident reports.

Mr. Host recused himself from the meeting and left the room as the company he works for, T. Parker Host, Inc., was the agent for the ship involved in the incident letter from Captain B. Keith Hudgins.

Recusal of Mr. Host

The Board reviewed a letter from Captain B. Keith Hudgins, regarding an incident on November 14, 2009, involving the USNS FISHER.

Captain B. Keith Hudgins – USNS FISHER

On November 14, 2009, Captain Hudgins boarded the USNS FISHER at 1205 to move from Cape Henry to Pier L at Lamberts Point Docks. The USNS FISHER is a Military Sealift Command Ro/Ro vessel. The ship has a length overall of 949' 03", a breadth of 105' 10" and a gross tonnage of 69,365. Drafts were 28' aft and 22'06" forward. The vessel has twin inboard turning variable pitch propellers, twin rudders and two bowthrusters with a combined power of 2500 horsepower.

A master/pilot exchange was conducted and the pilot card was reviewed. Due to numerous other vessel movements, tugs would not be available until approximately 1500. Captain Hudgins proceeded in at a reduced speed of 11 knots. Winds were northwest at 20-30 knots, visibility was 10 miles and the current was maximum ebb.

At 1506 the vessel was boarded at Craney Island by the docking master, Ronnie Ainsley. After an information exchange, Captain Hudgins turned over the conn to the docking master. The SURRIE MORAN was made fast on the port quarter, the APRIL MORAN was made fast on the port bow and the STEVEN McALLISTER was available to assist as needed. Winds had diminished to 15 knots from the northwest, visibility was 2 miles in drizzle and the current had just begun to flood.

The docking master turned the vessel in the channel and began backing into the berth on the south side of Pier L starboard side two. As the ship backed into position, the mate on the stern provided continuous updates on the distance to the bulkhead. When the mate reported 50 feet to go, the vessel was parallel to the pier, 20 feet off the fenders and making approximately one half knot of sternway. The docking master ordered dead slow ahead on the port engine, but as the mate reported 25 feet to go the ship still had slight sternway. It became apparent the docking master thought the distances from the mate, were to our final position. Captain Hudgins informed the docking master that the distance was to the bulkhead, but he did not react immediately. Captain Hudgins repeated to him that the distance was to the bulkhead and that they could not continue moving astern. As the mate reported 10 feet to go, the docking master ordered half ahead on the port engine. At 1550, before the vessel came to a complete stop, the starboard quarter touched the metal roof of an abandoned open-sided shelter on the bulkhead. The docking master moved the vessel forward approximately 25 feet to its final position. All lines were fast at 1800.

The captain and mate reported that no damage had been done to the vessel or to the bulkhead. They could not tell if any damage had been done to the shelter. The poor condition of the shelter made it impossible for Captain Hudgins to determine if any new damage had been done.

After review and discussion, Mr. Miller 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, Edmunds, Martin, Miller, Morgan, and Stone.

Mr. Host returned to the meeting.

Ms. Norwood informed the Board that pursuant to § 54.1-100 of the *Code of Virginia*, a review had been conducted of the Board's regulations 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.

Mr. Christner informed the Board that the investigation report of Mr.

Return of Mr. Host

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

Consideration of

McCrorry's voluntary deposit of his state pilot license to the Board for Branch Pilots, will not be available for consideration until the February 2, 2010 meeting.

Application for License Update: Walter Hugh McCrorry, Jr.

Discussion was held regarding the revised Drug and Alcohol testing authorization form. The testing vendor has changed from the form approved at the October 30, 2009, board meeting. Captain Callis moved to approve the revised authorization form with the new testing vendor, to include in the license renewal package. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Regulatory Review Update

Mr. Courtney informed the Board that Mr. DeBoer was unable to attend the meeting and sends his regrets and best wishes.

Other Business

Mr. Cherry congratulated Mr. Miller on his recent appointment as U.S. Magistrate Judge on the federal court that serves Hampton Roads. Mr. Miller will be sworn in as a federal judge February 1, 2010, and will notify the Board if he is informed he is required to resign his position as a board member.

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 10:05 a.m.

Adjourn

Bruce R. Cherry, President

Jay W. DeBoer, Secretary